

# **Data Entry Manual for Non-Utility Patent Documents, Other Than Patent Application Publications**

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**DESIGN PATENTS  
PLANT PATENTS  
REISSUE PATENTS  
STATUTORY INVENTION REGISTRATIONS  
REEXAMINATION CERTIFICATES**

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**Office of Patent Publication  
April 2004**

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## **Section I. DESIGN PATENT**

## **References**

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| 35 U.S.C. 171 | <b>Patents for designs.</b>   |
| 35 U.S.C. 172 | <b>Right of priority.</b>   |
| 35 U.S.C. 173 | <b>Term of design patent.</b>                                       |
| 37 CFR 1.151  | <b>Rules applicable.</b>  |
| 37 CFR 1.152  | <b>Design drawings.</b>   |
| 37 CFR 1.153  | <b>Title, description and claim, oath or declaration.</b>           |
| 37 CFR 1.154  | <b>Arrangement of application elements in a design application.</b> |
| MPEP 1503.01  | <b>Specification and Claim</b>                                      |
| MPEP 1503.02  | <b>Drawing</b>  |
| MPEP 1503.03  | <b>Design Claim</b>   |
| MPEP 1504.10  | <b>Priority Under 35 U.S.C. 119(a)–(d)</b>                          |
| MPEP 1504.20  | <b>Benefit Under 35 U.S.C. 120</b>                                  |
| MPEP 1505     | <b>Allowance and Term of Design Patent.</b>                         |

## **Key Features**

A single unnumbered claim is printed on the front page in place of an abstract.

The claim is followed on the front page by a description, usually limited to a brief description of the drawings, although there is sometimes additional descriptive matter.

There is no specification.

# Masthead

## ■ Patent Number Bar Code

See **DATA ENTRY FOR UTILITY PATENTS, 1. Patent Number Bar Code.**

**Composition.** Positions 6+12 will be the prefix D and the six-digit design patent number:

start US00D453999S space stop

## ■ Office Identification & “Plain Language” Kind Designation

See **DATA ENTRY FOR UTILITY PATENTS, 2. Office Identification & “Plain Language” Kind Designation.**

**Composition.** The “plain language” kind designation is **Design Patent**, so that **United States Design Patent** is printed as follows:

- 18-point
- uppercase and lowercase
- Times New Roman Bold

## ■ Code US, Patent Number, Kind Code

### Data Source

**code US.** This code is non-variable.

**patent number.** See the document entitled *Receipt/Dispatch of Files & Assembly of Weekly Issue*. The six-digit design patent number is to be affixed by the publication database contractor in the Patent Number box, in the upper right corner of the face of the file wrapper. This will be the patent number's sole location on or in the file wrapper.

**kind code.** The kind code for a design patent is S.

**Composition.** The design patent number is printed as follows:

- 14-point
- Times New Roman Bold
- code **US** (followed by a space) precedes the uppercase **D**
- uppercase **D** precedes the six-digit number (no space between the **D** and the six-digit number)

- six-digit number is printed with internal comma
- kind code S (preceded by a space) follows the six-digit design patent number

**US D654,321 S**

## ■ Inventor Surname

See **DATA ENTRY FOR UTILITY PATENTS**, 4. *Inventor Surname*.

## ■ Patent Date

See **DATA ENTRY FOR UTILITY PATENTS**, 5. *Patent Date*.

**Composition.** Two asterisks will precede the patent date. The two asterisks refer to the 14-year-term indication that appears in the front-page columns.

(45) **Date of Patent:**   \*\* Dec. 24, 2002

If a terminal disclaimer notice is present on the design front page, the terminal-disclaimer-indicator asterisk is printed above the two asterisks.

# Columns

## ■ Title

See **DATA ENTRY FOR UTILITY PATENTS**, 6. *Title*.

**Pre-Capture Verification** is as follows:

**title/claim agreement.** In a design patent, the PALM version of the title appearing on the file wrapper label (or the PALM bibliographic data sheet) must be the same title that is incorporated into the wording of the design claim. The publication database contractor will return the file with a "printer waiting" **QUERY** if:

☞ ***In a design patent, the PALM version of the title of the invention is not the same as the version of the title that appears in the claim.***

- If a red-ink amendment has changed the title in one of the three locations—that is, the PALM version (on file wrapper label or bibliographic data sheet), design claim, or design description—the publication database contractor will capture the amended wording in all three locations. For example:

|                             |   |   |
|-----------------------------|---|---|
| <b>PALM version</b>         | ➔ | COOKING PAN   |
| <b>claim (source)</b>       | ➔ | The ornamental design for a<br><u>LOBSTER</u> COOKING PAN, as shown and<br>described. |
| <b>description (source)</b> | ➔ | FIG. 1 is a perspective view of a<br>COOKING PAN showing my new design;               |

The added word would be printed in all three locations on the patent front page:

|                    |   |   |
|--------------------|---|---|
| <b>left column</b> | ➔ | (54) LOBSTER COOKING PAN  |
| <b>CLAIM</b>       | ➔ | The ornamental design for a lobster cooking pan, as shown and<br>described.     |
| <b>DESCRIPTION</b> | ➔ | FIG. 1 is a perspective view of a lobster cooking pan showing my<br>new design; |

- A "printer waiting" query will continue to be necessary when the design title is amended in red ink in more than one location, yet the red-ink amendments do not agree.
- It sometimes happens that the PALM version of the design title begins with the phrase DESIGN FOR A. When this happens, the publication database contractor is to delete the phrase DESIGN FOR A from the file wrapper label of bibliographic data sheet. The design title—that is, the title that is printed with INID code (54) on the design patent front page—is never to begin with the phrase DESIGN FOR A. For example:

|                     |   |                    |
|---------------------|---|--------------------|
| <b>PALM version</b> | ➔ | DESIGN FOR A CHAIR |
| <b>left column</b>  | ➔ | (54) CHAIR         |

- The publication database contractor will **not** initiate a "printer waiting" query regarding the phrasing of the design title or claim.
  - If the title and claim use a phrase such as “or the like”, no query is to be initiated. MPEP 1503.01 does distinguish between acceptable and unacceptable uses of such phrases, but it is not the publication database contractor’s responsibility to interpret this. The primary examiner makes decisions on the wording of the title during the examination process.
  - If the phrasing of the claim apart from the title itself departs from the form set forth below under the heading **Claim**, no query is to be initiated. For example, it is acceptable for the word “substantially” to appear in the claim before “as shown” or “as shown and described.”

MPEP 1503.03 states that the claim “should normally be in formal terms...”; minor variations are possible.

## ■ Inventor Data

See **DATA ENTRY FOR UTILITY PATENTS, 7. Inventor Data.**

## ■ Assignee Data

See **DATA ENTRY FOR UTILITY PATENTS, 7. Assignee Data.**

## ■ Terminal Disclaimer (TD) Notice

A terminal disclaimer (TD) notice may appear on a design patent. The terminal disclaimer information in **DATA ENTRY FOR UTILITY PATENTS, 9. Term Notice, Terminal Disclaimer (TD) Notice** is applicable to design patents.

## ■ PTE/PTA & 20-Year-Term Notices [*not relevant to designs*]

A patent term extension/adjustment (PTE/PTA) notice cannot appear on a design patent. The term extension/adjustment notice information in **DATA ENTRY FOR UTILITY PATENTS, 9. Term Notice, Patent Term Extension/Adjustment (PTE/PTA) Notice** is **not** applicable to design patents.

A design patent, whether it issues from a CPA application or from a non-CPA application, gets a 14-year term which begins on the day of issue. Therefore the information in **DATA ENTRY FOR UTILITY PATENTS, 13D. Continued Prosecution Application (CPA)**, pertaining to the printing of the 20-year-term notice, is relevant only to utility patents and plant patents and is **not** applicable to design patents.

## ■ Indication of 14-Year Term

The length of the design term will always be 14 years (beginning on the date of issue) and this term-length is indicated on the front page of each design patent.

**Composition** instructions are as follows:

The indication of the 14-year term will follow any terminal disclaimer notice. If there is no terminal disclaimer notice, it will follow the assignee data. If there is no inventor data, it will follow the inventor data.

- (\*\*) Term: is printed as follows:
  - 9-point

- Times New Roman
- uppercase and lowercase
- **14 Years** is printed as follows:
  - 9-point
  - Times New Roman Bold
  - uppercase and lowercase

## ■ Application Number

See **DATA ENTRY FOR UTILITY PATENTS, 10. Application Number.**

The design series code is 29. For example:

(21) Appl. No.: **29/123,456**

## ■ Application Filing Date

See **DATA ENTRY FOR UTILITY PATENTS, 11. Application Filing Date.**

## ■ National Stage PCT Data [not relevant to designs]

Design patents are not included in the Patent Cooperation Treaty (PCT). Thus, no 35 U.S.C. 371 data will appear on a design patent.

## ■ Prior (Pre-Grant) Publication Data [not relevant to designs]

Design applications are excluded from pre-grant (eighteen-month) publication. Thus no prior (pre-grant) publication data should appear on a design patent.

## ■ Related U.S. Application Data

See **DATA ENTRY FOR UTILITY PATENTS, 13B. Related U.S. Application Data.**

35 U.S.C. 119(e) benefits, domestic priority benefits based on prior U.S. provisional applications, are not available to design applicants.

## ■ Foreign Application Priority Data

See **DATA ENTRY FOR UTILITY PATENTS, 14. Foreign Application Priority Data,** which may be relied upon for processing design patents, except as shown below.

A design applicant may claim a foreign priority benefit under 35 U.S.C. 119(a)–(d) when the U.S. design application is filed within six (6) months after the filing of the foreign application. See MPEP 1504.10.

|   |
|---|
| <b>codes EP and EM in foreign priority data of design patents</b> |
|---|

In **Appendix B: Two-Character Codes for Countries and Intergovernmental Organizations** see the first item under the letter **O**.

Although a U.S. DESIGN application may base its foreign priority claim either upon a European Patent Office (code **EP**) document or upon a European Office for Harmonization in the Internal Market (code **EM**) document, the greater likelihood is that the U.S. DESIGN application will base its foreign priority claim on an **EM** document.

Therefore, in a U.S. DESIGN application the publication database contractor should capture the two-character code **EP** only when the foreign priority data source\* shows the foreign application's country/organization specifically as one of the following names or codes:

European Patent Office (EPO)  
EP

Otherwise, in a U.S. DESIGN application the publication database contractor should capture the two-character code **EM** whenever the foreign priority data source\* shows the foreign application's country/organization as one of the following names or codes:

(European) Office for Harmonization in the Internal Market (OHIM)  
European Office  
European Union (EU)  
European Community  
European Community's Trademark and Design Office  
Europe  
EM

\* The foreign priority data source is the latest-filed oath/declaration or application data sheet.

## ■ International (Locarno) Classification Data

On October 8, 1968, in Locarno, Switzerland, a conference of Paris Convention members adopted the Locarno Agreement Establishing an International Classification for Industrial Designs. The Locarno classification system has been revised several times. The current edition of the Locarno classification is the seventh.

The Locarno Classification System is composed of thirty-two classes. For example:

|          |   |
|----------|---|
| Class 01 | Foodstuffs  |
| Class 02 | Articles of Clothing and Haberdashery   |
| Class 31 | Machines and Appliances for Preparing Food or Drink, Not<br>Elsewhere Specified |
| Class 99 | Miscellaneous   |

Each class is further broken down into subclasses. For example:

|                |                              |
|----------------|------------------------------|
| Class 06 ---   | Furnishing                   |
| Subclass 06-01 | Beds and Seats               |
| Subclass 06-03 | Tables and Similar Furniture |
| Subclass 06-04 | Storage Furniture            |
|                | <i>etc.</i>                  |

A full Locarno classification—that is, a Locarno subclass—consists of two digits, a hyphen, and two digits. The following are examples of Locarno classifications:

17-04  
99-00\*  
09-01  
15-99  
01-01

- \* There is no Locarno class 00. However, 00 twice appears in subclasses (31-00 and 99-00).

### **Data Source**

The sole source for the international classification data is the **ISSUING CLASSIFICATION** section of the file wrapper, where the examiner will have written the Locarno classification(s) in the **INTERNATIONAL CLASSIFICATION** boxes.

The source should show a single complete Locarno classification—two digits, a hyphen, two digits.

### **Pre-Capture Verification**

The data base contractor will return the file with a "printer waiting" **QUERY** if:

- ➡ *The Locarno classification is incomplete.*
- ➡ *The Locarno classification is illegible.*
- ➡ *The Locarno classification is missing.*
- ➡ *There are multiple Locarno classifications.*
- ➡ *The Locarno classification does not follow the correct format (two digits, hyphen, two digits).\**

- \* With respect to the requirement that an incorrect Locarno format be queried, the data base contractor need not query if the only error in the formatting is the presence of the letter D. For example, Locarno classification D17-04 would be captured as 17-04 with no need for a query. However, Locarno classification D9-01 does not show two digits before the hyphen and for that reason should be queried.

### **Composition**

The Locarno classification will appear with INID code (51) and will immediately precede the U.S. classification data on the design patent front page.

For example:

(51) **LOC (7) Cl.** ..... **22-06**

- INID code (51) is printed as follows:
  - 9-point
  - Times New Roman
  - flush left on same line as the title **LOC (7) Cl.**
- **LOC (7) Cl.** is printed as follows:
  - 9-point
  - Times New Roman Bold
  - uppercase for **LOC**
  - uppercase/lowercase for **Cl.**
- The Locarno classification (two digits, a hyphen, two digits) is printed as follows:
  - 9-point
  - Times New Roman Bold
  - preceded by dot leaders
  - right-justified

### **■ U.S. Classification Data**

See ***DATA ENTRY FOR UTILITY PATENTS, 16. U.S. Classification Data.***

### **■ Field of Search**

See ***DATA ENTRY FOR UTILITY PATENTS, 17. Field of Search.***

## ■ References Cited

See *DATA ENTRY FOR UTILITY PATENTS*, 18. *References Cited*.

## ■ Examiner Data

See *DATA ENTRY FOR UTILITY PATENTS* , 19. *Examiner Data*.

## ■ Attorney/Agent/Firm Data

See *DATA ENTRY FOR UTILITY PATENTS*, 20. *Attorney/Agent/Firm Data*.

## ■ Claim

Instead of an abstract, INID (57) on a design patent shows a single unnumbered claim under the heading **CLAIM**. See 37 CFR 1.153 and MPEP 1503.03. The claim must be stated in formal terms, as follows if the title of the invention begins with a consonant:

The ornamental design for a [title of invention] as shown.

As follows if the title of the invention begins with a vowel:

The ornamental design for an [title of invention] as shown.

In some circumstances the words "and described" will be added:

The ornamental design for a [title of invention] as shown and described.

**Data Source** is the applicant's manuscript of the claim and any relevant amendments.

**Pre-Capture Verification** is as set forth above. See the information under the heading **Title**.

### **Composition**

The single unnumbered claim is printed on the patent front page as part of the bibliographic data. The claim immediately follows the attorney/agent/firm data, or, if that data is not present, the abstract immediately follows the examiner data.

- INID code (57) is printed as follows:
  - 9-point
  - Times New Roman
  - flush left on same line as heading **CLAIM**
- The heading **CLAIM** is printed as follows:

- 9-point
  - Times New Roman Bold
  - uppercase
  - centered in column on same line as INID code (57)
- The text of the single unnumbered claim is printed as follows:
    - 9-point
    - Times New Roman
    - uppercase and lowercase
    - block paragraph

## ■ Description

**Data Source** is the application manuscript and any relevant amendments. The items listed below may appear in the **DESCRIPTION** section of the design patent's front page, and the items will be printed in the order shown below:

- **authorization for copyright or mask work notice** [ *if present; see 37 CFR 1.71(d)-(e)* ]

- **description of the article** [ *if present; see 37 CFR 1.154(a)(3)* ]. The design applicant may provide a "brief description of the nature and intended use of the article in which the design is embodied." This "description of the article" may appear in the design preamble, or it may be included as part of (or as an amendment to) the design specification, or it may be presented on a separate paper (without amendment to the specification). The publication database contractor will capture and print the "description of the article" as part of the design **DESCRIPTION** section when
  - the "description of the article" is included in the original design specification or
  - the original design specification has been amended to include the "description of the article."

The publication database contractor will not capture and print the "description of the article" when

- the "description of the article" precedes the design preamble or
  - the "description of the article" appears within the design preamble or the "description of the article" appears on a separate (non-amendment) paper.
- **non-specific\* cross-reference to related application(s)** [ *if present; see 37 CFR 1.154(a)(4)* ]
    - \* On a design patent, when specific (continuation, division, continuation-in-part) continuity data is printed under **Related U.S. Application Data**, that continuity data is not repeated in the **DESCRIPTION** section.
  - **statement of government interest** [ *if present; see 37 CFR 1.154(a)(5)* ]

- **“color drawing(s)” paragraph** [if present; see 37 CFR 1.84(a)(2)(iv)]. In a design application in which color drawing sheet(s) were filed, the design **DESCRIPTION** section must include the following paragraph, which is to precede the brief description of the drawings:

The patent file contains at least one drawing executed in color.  
Copies of this patent with color drawing(s) will be provided by the  
Office upon request and payment of the necessary fee.

The “color drawing(s)” paragraph will be printed in the **DESCRIPTION** section on the design patent’s front page. The “color drawing(s)” paragraph will immediately precede the brief description of the first figure:

- **brief description of the drawings** [see 37 CFR 1.154(a)(6)]
- **description of the design** [if present; see 37 CFR 1.154(a)(7)]

### **Pre-Capture Verification**

The data base contractor will make sure that the description includes a brief description of each Figure. This will involve comparing the descriptive text with the drawing sheets.

The data base contractor will return the file with a "printer waiting" **QUERY** if:

- *Although a Figure appears on the drawing sheet(s), there is no brief description of that Figure.*
- *Although there is a brief description of a Figure, that Figure does not appear on the drawing sheet(s).*
- *There is some other discrepancy between the description and the drawing sheet(s).* For example, the drawing sheets show FIGS. 1, 2, 3, but the description briefly describes FIGS. 1, 2, 2.

### **Composition**

The description (under the heading **DESCRIPTION**) will appear immediately after the design claim on the front page. There is no INID code for the description. Usually, the description will consist only of the brief description of the drawings. If there are other items (description of the article, color drawing(s) paragraph, print the items according to the order shown under **Data Source** above.

- The heading **DESCRIPTION** is printed as follows:
  - 9-point

- Times New Roman Bold
  - uppercase
  - centered in column
- The text of the description is printed as follows:
    - 9-point
    - Times New Roman, except for Figure numbers, which are printed in Times New Roman Bold
    - uppercase and lowercase
    - new line for each Figure description
    - block paragraph style for any additional descriptive matter (that is, something in addition to the brief descriptions of the Figures)
  - Style rules for the description:
    - If there is one Figure, the brief description will begin with the words The FIGURE ... . Otherwise, the brief descriptions will begin FIG. 1 ... , FIG. 2 ... , etc.
    - Abbreviate "Figure" as FIG. and "Figures" as FIGS.
    - Figure numerals are printed boldface: FIG. 1, FIG. 4, etc.
    - When an uppercase alphabetic character is part of the Figure number, print the uppercase alphabetic character in lightface: FIG. 1A, FIG. 3(B), etc. However, when a lowercase alphabetic character is part of the Figure number, italicize the lowercase alphabetic character: FIG. 2*b*, FIG. 3(*c*), etc.

## ■ Claim, Drawing Sheet, Color Sheet Totals

The claim total for a design patent will always be 1. Otherwise see **DATA ENTRY FOR UTILITY PATENTS, 22. Claim, Drawing Sheet, Color Sheet Totals.**

## Representative Drawing

See **DATA ENTRY FOR UTILITY PATENTS, 23. Representative Drawing.**

## Drawing(s)

See **DATA ENTRY FOR UTILITY PATENTS, 24. Drawing(s).**

In a design patent, the drawing sheet(s) follow the front page.

The following heading information will appear from left to right at the top of each drawing sheet in the design patent:

- ◆ U.S. Patent 24-point Times New Roman
- ◆ Aaa. nn, nnnn [issue date] 18-point Times New Roman
- ◆ Sheet \_ of \_ 18-point Times New Roman  
    ↑  
    *Appears only when there are two or more drawing sheets.*
- ◆ US Dnnn,nnn S 24-point Times New Roman

## **Section II. PLANT PATENT**

## **References**

|               |  |
|---------------|--|
| 35 U.S.C. 161 | <b>Patents for plants.</b>   |
| 35 U.S.C. 162 | <b>Description, claim.</b>   |
| 35 U.S.C. 163 | <b>Grant.</b>  |
| 37 CFR 1.161  | <b>Rules applicable.</b>   |
| 37 CFR 1.162  | <b>Applicant, oath or declaration.</b>   |
| 37 CFR 1.163  | <b>Specification and arrangement of application elements in a plant application.</b> |
| 37 CFR 1.164  | <b>Claim.</b>  |
| 37 CFR 1.165  | <b>Plant drawings.</b>   |
| 37 CFR 1.166  | <b>Specimens.</b>  |
| 37 CFR 1.167  | <b>Examination</b>   |
| MPEP 1603     | <b>Elements of a Plant Application</b>   |
| MPEP 1604     | <b>Applicant, Oath or Declaration</b>  |
| MPEP 1605     | <b>Specification and Claim</b>   |
| MPEP 1606     | <b>Drawings</b>  |
| MPEP 1611     | <b>Issue</b>   |
| MPEP 1612     | <b>UPOV Convention</b>   |
| MPEP 1613     | <b>Right of Priority Based Upon Applications for Plant Breeder's Rights</b>          |

## **Key Features**

- A plant patent front page consists of the bibliographic data (including an abstract) and the beginning of, or the entirety of, the specification.
- No drawing appears on the front page.
- When the space on the front page is exhausted, the specification will continue to a second and subsequent pages.

- The specification must be formatted so that no paragraph or subparagraph is indented more than two indentations.
- The single claim (numbered **1**) appears at the end of the specification.
- The sheets of drawings follow the specification.
- The drawings, often in color, need not have FIG. numbers and need not contain reference characters (part numbers and letters).

## **Masthead**

### **■ Patent Number Bar Code**

See *DATA ENTRY FOR UTILITY PATENTS, 1. Patent Number Bar Code.*

**Composition**, Positions 6-12 will be the prefix PP plus the five-digit plant patent number:

start US00PP12999P2 stop

### **■ Office Identification & “Plain Language” Kind Designation**

See *DATA ENTRY FOR UTILITY PATENTS, 2. Office Identification & “Plain Language” Kind Designation.*

**Composition**, The “plain language” kind designation is **Plant Patent**, so that **United States Plant Patent** is printed as follows:

- 18-point
- uppercase and lowercase
- Times New Roman Bold

### **■ Code US, Patent Number, Kind Code**

#### **Data Source**

**code US.** This code is non-variable.

**patent number.** See the document entitled *Receipt/Dispatch of Files & Assembly of Weekly Issue*. The five-digit plant patent number is to be affixed by the publication database contractor in the Patent Number box, in the upper right

corner of the face of the file wrapper. This will be the patent number's sole location on or in the file wrapper.

**kind code.** The plant patent's two-character kind code will be **P2** if there was no pre-grant publication of the plant application, and will be **P3** if pre-grant publication did take place.

- At the time of "issue build" the publication database contractor will use its electronic pre-grant publication records to determine the kind code of each plant patent that is being placed in the issue. If the plant application has been published prior to "issue build" as a P1 document, the publication database contractor will use kind code **P3** for the plant patent. In all other situations the publication database contractor the use kind code **P2** for the plant patent.
- When the USPTO withdraws a P1 document after publication and the USPTO sufficiently prior to "issue build" notifies the publication database contractor that the P1 withdrawal has taken place, the publication database contractor will use kind code **P2** for the plant patent.

**Composition.** The plant patent number is printed as follows:

- 14-point
- Times New Roman Bold
- code **US** (followed by a space) precedes the uppercase **PP**
- uppercase **PP** precedes the five-digit number (no space between the **PP** and the five-digit number)
- five-digit number is printed with internal comma
- kind code **P2 or P3** (preceded by a space) follows the five-digit plant patent number

**US PP54,321 P2**

## ■ Inventor Surname

See **DATA ENTRY FOR UTILITY PATENTS, 4. Inventor Surname.**

## ■ Patent Date

See **DATA ENTRY FOR UTILITY PATENTS, 5. Patent Date.**

# **Bibliographic Columns**

## ■ Title

See **DATA ENTRY FOR UTILITY PATENTS, 6. Title.**

Since scientific names are common in plant patent titles, the following is an attempt to clarify the **Composition** instructions with respect to the printing of bold italics.

- **genus plus species** is printed in Times New Roman Bold Italics (remainder of title in Times New Roman Bold):

(54) ***RHUS TOXICOHENDRON*** NAMED ‘ITCHY’

- **species alone** is to be printed in Times New Roman Bold Italics (remainder of title in Times New Roman Bold):

(54) ***TOXICOHENDRON*** NAMED ‘SCRATCHY’

- **genus alone** is printed in Times New Roman Bold (that is, entire title in Times New Roman Bold):

(54) **RHUS PLANT** NAMED ‘CALAMINE’

## ■ Latin Name & Varietal Denomination

### **Data Source**

This pertains to the following two items of bibliographic data on plant patents:

- Latin name (genus + species), also called the botanic name, botanic classification, etc.
- varietal denomination, also called the variety, cultivar, etc.

These two items will be published at INID (50) on the composed front page of the plant patent (see under **Composition** below) and as the <BOTANIC><LATIN-NAME><VARIETY> data in Grant Red Book (see under **Grant Red Book Cross-Reference** below).

The data source will be the Latin name (EITHER genus + species OR genus + the abbreviation “sp.”) and varietal denomination as provided in any of these locations:

- immediately before the specification
- the specification itself (The Latin name and varietal denomination will usually be present in the first paragraph of the specification but in some instances may be

- present elsewhere in the specification. If it is necessary, the publication database contractor will read the entire specification in order to locate the Latin name and varietal denomination.)
- title of the invention (The varietal denomination is always present in the title of the invention.)

In the following three examples, the data sources have been shaded:

#### Data Source EXAMPLE 1

**TITLE:** PETUNIA PLANT NAMED 'CHARLOTTE HAZE'

**APPLICANT:** Vladimir N. SIRIN

**BOTANICAL CLASSIFICATION / CULTIVAR DESIGNATION:**

*Petunia X hybrida* / 'Charlotte Haze'

BACKGROUND OF THE INVENTION

The present invention relates to a new and distinct cultivar of Petunia plant.

#### Data Source EXAMPLE 2

**TITLE:** PHLOX PLANT NAMED 'ARABELLA DUNN'

**APPLICANT:** Thomas HARDY

BACKGROUND OF THE INVENTION

The present invention relates to a new and distinct cultivar of Phlox plant, botanically known as *Phlox paniculata*.

### Data Source EXAMPLE 3

GARLIC PLANT NAMED 'EUSTACIA VYE'

#### CROSS-REFERENCE TO RELATED APPLICATION

This application is a continuation of application No. 09/000,000, filed August 27, 2002, now abandoned.

LATIN NAME: *Allium sativum*

VARIETY: 'Eustacia Vye'

#### BACKGROUND OF THE INVENTION

The present invention relates to a new and distinct cultivar of garlic plant, botanically known as *Allium sativum* and hereinafter referred to by the cultivar name 'Eustacia Vye.'

### Verification

The publication database contractor will initiate a “printer waiting” **QUERY** in the following situations:

- *The Latin name is not provided.* For example:

POINSETTIA PLANT NAMED 'EULA VARNER'

#### BACKGROUND OF THE INVENTION

The present invention relates to a new and distinct cultivar of Poinsettia plant.

The new cultivar was originated from a hybridization made by the inventor in a controlled environment in Oxford, Mississippi (USA) in 2001.

- ↑ The “printer waiting” **QUERY** should ask the examiner to supply the Latin name.

- *There are multiple varietal denominations.* For example, see the shaded areas below:

NON-DWARFING PEAR ROOTSTOCK NAMED 'BATHSHEBA EVERDENE'

BOTANIC NAME: *Pyrus communis*

VARIETAL NAME: 'Hardy 3'

BACKGROUND OF THE INVENTION

The present invention relates to a new and distinct cultivar of non-dwarfing rootstock for pears (*Pyrus communis*) designated 'Hardy 3' for experimental purposes.

- ↑ The “printer waiting” **QUERY** should ask the examiner to correct the discrepancy with respect to the varietal denomination.

### **Composition**

When present on a plant patent, the INID (50) data will immediately follow the title of the invention.

- INID code (50) is shown as follows:
  - 9-point
  - Times New Roman
  - flush left
- The side-heading Latin Name: [including the colon] and the side-heading Varietal Denomination: [including the colon] are shown as follows:
  - 9-point
  - uppercase/lowercase
  - Times New Roman
- The Latin name itself (genus + species) is shown as follows:
  - 9-point
  - lowercase, except that the initial letter of the genus is uppercase
  - Times New Roman Bold Italics
- The varietal denomination itself is shown as follows:
  - 9-point
  - uppercase/lowercase
  - Times New Roman Bold

### **Examples**

(54) VERBENA PLANT NAMED 'MASHENKA'

(50) Latin Name: *Verbena hybrida*  
Varietal Denomination: **Mashenka**

(54) **POINSETTIA PLANT NAMED ‘ADA VEEN’**

(50) Latin Name: *Euphorbia pulcherrima*  
Varietal Denomination: **Ada Veen**

## ■ Inventor Data

See **DATA ENTRY FOR UTILITY PATENTS, 7. Inventor Data.**

## ■ Assignee Data

See **DATA ENTRY FOR UTILITY PATENTS, 8. Assignee Data.**

## ■ Term Notice

See **DATA ENTRY FOR UTILITY PATENTS, 9. Term Notice.**

The instructions in the **20-Year-Term (CPA) Notice** section are relevant to plant patents.

The instructions in the **Patent Term Extension/Adjustment (PTE/PTA) Notice** section are relevant to plant patents.

The instructions in the **Terminal Disclaimer (TD) Notice** section are relevant to plant patents.

## ■ Application Number

See **DATA ENTRY FOR UTILITY PATENTS, 10. Application Number.**

## ■ Application Filing Date

See **DATA ENTRY FOR UTILITY PATENTS, 11. Application Filing Date.**

## ■ National Stage PCT Data

See **DATA ENTRY FOR UTILITY PATENTS, 12. National Stage PCT Data.**

## ■ Prior (Pre-Grant) Publication Data [*P3 only*]

### Data Capture

The publication database contractor at the time of “issue build” will use its electronic pre-grant publication records for the capture of prior publication data.

If the P3 plant has been published prior to “issue build” as a P1 document, the publication database contractor will capture the prior P1 publication number and publication date, as well as any prior P4 and/or P9 publication number(s) and publication date(s).

See under **Composition** in **DATA ENTRY FOR UTILITY PATENTS, 13A. Prior (Pre-Grant) Publication Data [B2 only]**.

For example:

(65)      **Prior Publication Data**

US 2001/0000999 P1   Jun. 14, 2001

## ■ **Related U.S. Application Data**

See **DATA ENTRY FOR UTILITY PATENTS, 13B. Related U.S. Application Data**.

## ■ **Foreign Application Priority Data**

See **DATA ENTRY FOR UTILITY PATENTS, 14. Foreign Application Priority Data**.

|  |
|--|
| <b>foreign priority based on an application for plant breeder's rights (PBR)</b> |
|--|

### ■ **background**

MPEP 1612 says that in many countries “new plant varieties are protected by breeders’ rights laws rather than patent laws.” Under the UPOV\* Convention, the member countries (UPOV Contracting Parties) can issue plant breeder’s rights certificates instead of plant patents. In general, plant breeder’s rights certificates are issued by the member country’s UPOV office rather than by its patent office. The UPOV Convention “guarantee[s] to plant breeders in each member state both national treatment and the right of priority in all other member states.” The United States is a UPOV Contracting Party and a World Trade Organization (WTO) member.\*\*

\* Union Internationale pour la Protection des Obtentions Végétales  
(International Convention for the Protection of New Varieties of Plants)

\*\* The U.S. Department of Agriculture issues Plant Variety Protection (PVP) certificates which pertain to plants that reproduce sexually. The USPTO issues plant patents which pertain to plants that reproduce asexually.

Under 35 U.S.C. 119(f), a U.S. plant application or a U.S. utility application may claim a foreign priority benefit based on an application for plant breeder's rights that was filed in a WTO member country or UPOV Contracting Party. 35 U.S.C. 119(f) says that a foreign application for plant breeder's rights "shall have the same effect for the purpose of the right of priority" as a foreign application for a patent, "subject to the same conditions and requirements ... as apply to applications for patents."

- **"five conditions" verification instructions when foreign priority is based on a PBR application**

When the priority claim is based on a foreign application for plant breeder's rights, the publication database contractor will verify that the five conditions have been met. (These correspond to the five conditions that must be met when the priority claim is based on a foreign patent application.)

**#1 : identification** – The oath/declaration or (if present) the application data sheet (ADS) must specify the country (or organization) name, the application number, and filing date (day, month, year) of the foreign application for plant breeder's rights.

**#2 : priority claim** – On the oath/declaration or on some other paper, the applicant must have made a claim for the foreign priority benefit.

**#3 : certified copy** – A certified copy of the foreign application for plant breeder's rights must be present in the application file, or the application file must state that the certified copy is present in another application.

**#4 : within 12 months & UPOV/WTO** – The effective filing date of the U.S. application must be within 12 months after the filing date of the foreign application for plant breeder's rights in a UPOV<sup>1</sup> Contracting Party or a WTO<sup>2</sup> member. See the **when the "within 12 months" requirement is not met** below.

<sup>1</sup> UPOV Contracting Parties as of September 24, 2000

Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Colombia, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Germany, Hungary, Ireland, Israel, Italy, Japan, Kenya, Kyrgyz tan, Mexico, Netherlands, New Zealand, Norway, Panama, Paraguay, Poland, Portugal, Republic of Moldova, Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Trinidad and Tobago, Ukraine, United Kingdom, United States, and Uruguay. In addition, the (European) Community Plant Variety Office (CPVO) receives applications for plant breeder's rights.

<sup>2</sup> World Trade Organization (WTO) members as of January 1, 2002

Albania, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, European Community, Fiji, Finland, France, Gabon, Gambia ("The Gambia"), Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea

Bissau, Guinea, Guyana, Haiti, Honduras, Hong Kong (“Hong Kong, China”), Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Republic of Korea, Kuwait, Kyrgyzstan (“Kyrgyz Republic”), Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Macao (“Macao, China”), Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Moldova, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Netherlands (“For the Kingdom in Europe and for the Netherlands Antilles”), New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Sierra Leone, Singapore, Slovakia (“Slovak Republic”), Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Switzerland, Taiwan (“Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu”), Tanzania, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom, United States, Uruguay, Venezuela, Zambia, and Zimbabwe.

**#5 : acknowledgments** – The examiner must have acknowledged the claim for foreign priority, and the file wrapper must contain an acknowledgment of the USPTO’s receipt of the certified copy of the application for plant breeder’s rights.

- **query guidelines**

The publication database contractor will initiate a “printer waiting” **QUERY** in the situations described below.

- *Neither the oath/declaration nor (if present) the application data sheet identifies the application number, filing date (day/month/year), and country/organization of the foreign application for plant breeder’s rights.* [See Condition #1]
- *Neither the oath/declaration nor any other paper contains a foreign priority claim based on the foreign application for plant breeder’s rights.* [See Condition #2.]
- *The certified copy of the foreign application for plant breeder’s rights is not present in the file, and there is no statement that the certified copy is in another application.* [See Condition #3.]
- *The application for plant breeder’s rights was not filed in a UPOV Contracting Party or a WTO member.* [See Condition #4.]
- *The examiner has not acknowledged the claim for foreign priority based on the application for plant breeder’s rights and/or the file wrapper does not contain an acknowledgment of the USPTO’s receipt of the certified copy of the application for plant breeder’s rights.* [See Condition #5.]
- *There is a discrepancy with respect to the application number, filing date, etc. of the application for plant breeder’s rights—for example, the certified copy has an application number different from the application number identified on the oath/declaration.*

➤ *The foreign priority claim is based on a U.S. Plant Variety Protection (PVP) certificate.*

- **when the “within 12 months” requirement is not met**

See Condition #4. The effective U.S. filing date (the allowed application’s U.S. filing date or the earliest nonprovisional U.S. filing date in the continuity chain) must be within 12 months after the filing date of the earliest foreign PBR application. The first day of the 12-month period is not counted. For example, if the PBR application was filed on March 6, 2002, the U.S. filing date may be as late as March 6, 2003. If the last day of the 12-month period is a Saturday, a Sunday, or a holiday in the District of Columbia, then the U.S. filing date may be as late as the next succeeding business day. For example, if the last day of the 12-month period is December 14, 2002 (a Saturday), the U.S. application is timely if it is filed on December 16, 2002. **If the publication database contractor, having used these computational guidelines, determines that the U.S. effective filing date is more than 12 months after the filing date of the earliest foreign PBR application, then the foreign priority claim is invalid and the foreign priority data will not be captured and printed.** (Generally, no query is necessary in these circumstances.)

- **when the PBR application was filed in the Community Plant Variety Office (CPVO)**

Instead of filing the PBR application in a country, an applicant may file it with the (European) Community Plant Variety Office (CPVO), for which the two-character code is QZ. As of this writing, code QZ is not present in PALM. Therefore when the applicant has claimed foreign priority based on a PBR application filed with the CPVO, the foreign priority information may not appear on the file wrapper label (or PALM bibliographic data sheet). In this situation the publication database contractor will **not** query to have the foreign priority information added to the file wrapper label (or PALM bibliographic data sheet). Instead, after verifying that the five conditions have been met, the publication database contractor will capture and print the foreign priority data.

- **presentation formats for PBR application numbers**

Presentation formats for the plant breeder’s rights (PBR) applications of most of the UPOV Contracting Parties are shown below in a table.

See the table’s information for **HU (Hungary)**. Hungary issues plant patents instead of plant breeder’s rights certificates. Thus the Hungarian presentation format is for a plant patent application, not a PBR application.

When capturing the number of the prior foreign PBR application, the publication database contractor will follow the guidelines shown below.

- If the application number as shown in the source is consistent with the format described in the table's EXPLANATIONS column, then the application number should be captured in the format shown in the EXAMPLE OF PRESENTATION OF APPLICATION NUMBER column.
- ***three-letter prefix PBR.*** Generally the application number as shown in the source will not include the prefix PBR. Therefore, once it has been determined that the application number format in the source is consistent with the format described in the table's EXPLANATIONS column, then the three-letter prefix PBR (followed by a space) should be added at the time of capture. Note that the Hungarian application number is a plant patent application number rather than a PBR application number, which means that the PBR prefix is never to be captured as part of a Hungarian application number. See the examples below.
- ***leading zeros.*** The application number as shown in the source may or may not show leading zeros. In some instances, as described in the table's EXPLANATIONS column, a country's format uses leading zeros, while another country's format does not. If the EXPLANATIONS column says "non-zero-filled" or "up to *x* digits," then leading zeros should not be added at the time of capture. Otherwise, the appropriate number of leading zeros should be added at the time of capture. See the examples below.

**Example 1.** If the source shows Finnish (FI) application number A789 ["4-digit series preceded by the letter 'A'"], then the number should be captured as PBR A0789.

**Example 2.** If the source shows Brazilian (BR) application 989 ["Six-digit application number"], then the number should be captured as PBR 000989.

**Example 3.** If the source shows Bulgarian (BG) application number 129 ["Six-digit number, non-zero-filled"], then the number should be captured as PBR 129.

**Example 4.** If the source shows Hungarian (HU) application number P 02 1234 ["... the letter P, a two-digit indication of the last two numbers of the year ... and a five-digit number ..."], then the number should be captured as P 02 01234.

- The application number should be captured exactly as it appears in the source (A) if the application number as shown in the source is inconsistent with the format described in the table's EXPLANATIONS column or (B) if the country or organization is not listed in the table.

| <b>COUNTRY OR ORGANIZATION</b><br><br>TYPE OF RECORD         | EXAMPLE OF<br>PRESENTATION OF<br>APPLICATION NUMBER | EXPLANATIONS  |
|--|---|---|
| <b>AR (Argentina)</b><br><br>Plant Breeder's Rights<br>(PBR) | PBR 002279  | Six-digit serial number<br>(PBR has its own series).  |
| <b>AU (Australia)</b><br><br>Plant Breeder's Rights<br>(PBR) | PBR 2000123   | First four digits represent<br>year of filing followed by a<br>3-digit annual serial<br>number.   |
| <b>AT (Austria)</b><br><br>Plant Breeder's Rights<br>(PBR)   | PBR 93.104.0120                                     | Number consists of three<br>parts:<br><br>(a) the first two numbers<br>represent the year of<br>application;<br><br>(b) the next 3 numbers are a<br>digit code for the species;<br><br>(c) the last four represent<br>the serial number over the<br>years and over all species. |
| <b>BE (Belgium)</b><br><br>Plant Breeder's Rights<br>(PBR)   | PBR 90826   |   |

|   |             |  |
|---|-------------|--|
|   |             |  |
| <b>BR (Brazil)</b><br><br>Plant Breeder's Rights<br>(PBR)   | PBR 000420  | Six-digit application number.  |
| <b>BG (Bulgaria)</b><br><br>Plant Breeder's Rights<br>(PBR) | PBR 30      | Six-digit number, non-zero-filled. Numbering series restarted in 1997.   |
| <b>CA (Canada)</b><br><br>Plant Breeder's Rights<br>(PBR)   | PBR 00-2112 | Application number consists of two parts separated by a hyphen:<br><br>(a) The first two numbers represent the year of the application;<br><br>(b) The last numbers, which began with 001, are numbered in sequence in the order by which the applications were accepted by the office (not annually recurring). |

|   |            |  |
|---|------------|--|
| <b>CL (Chile)</b><br><br>Plant Breeder's Rights<br>(PBR)          | PBR 00345  | <p>Before November 1994, application numbers were 5 digits starting at 10001 for agricultural crops and at 20001 for fruit crops.</p> <p>After November 1994, application number is 5 digits numbered in sequence in the order received.</p> |
| <b>CO (Colombia)</b><br><br>Plant Breeder's Rights<br>(PBR)       | PBR A00496 | <p>Five-digit number with the first two digits representing the year of filing . The last three digits are not re-annualized. After 2000 an "A" precedes the two digit year portion of the number.</p>                                       |
| <b>CZ (Czech Republic)</b><br><br>Plant Breeder's Rights<br>(PBR) | PBR 1319   | <p>4-digit number, non-zero-filled.</p>  |
| <b>DK (Denmark)</b><br><br>Plant Breeder's Rights<br>(PBR)        | PBR 10003  |  |
| <b>FI (Finland)</b><br><br>Plant Breeder's Rights<br>(PBR)        | PBR A0215  | <p>4-digit series preceded by the letter "A"</p>   |

|  |               |   |
|--|---------------|---|
| <b>FR (France)</b><br>Plant Breeder's Rights<br>(PBR)  | PBR 17849     | 5-digit serial number<br>(CPOV)   |
| <b>DE (Germany)</b><br>Plant Breeder's Rights<br>(PBR) | PBR YSO 00002 | 1-, 2-, or 3-letter species<br>code followed by a 5-digit<br>number within species.   |
| <b>HU (Hungary)</b><br>Plant Patent                    | P 94 03772    | Application numbers are<br>given by annual series.<br>They consist of the letter P,<br>a two-digit indication of the<br>last two numbers of the year<br>in which the application<br>was received and a five-<br>digit number allotted in<br>sequential order. |
| <b>IE (Ireland)</b><br>Plant Breeder's Rights<br>(PBR) | PBR 506       | Up to 4 digit serial number.  |
| <b>IL (Israel)</b><br>Plant Breeder's Rights<br>(PBR)  | PBR 03350     | Unique application number<br>for each registered variety.   |

|  |                                    |   |
|--|------------------------------------|---|
| <b>IT (Italy)</b><br><br>Plant Breeder's Rights<br>(PBR)       | PBR 1096NV/1994                    | Consists of three parts:<br>- A four-digit number;<br>- "NV" stands for "Novità Vegetale" (Plant Breeders Rights);<br>- a four-digit number indicating the year of application. |
| <b>JP (Japan)</b><br><br>Plant Breeder's Rights<br>(PBR)       | PBR 10002                          | Up to a 5-digit serial number (non-zero-filled)   |
| <b>KG (Kyrgyzstan)</b><br><br>Plant Breeder's Rights<br>(PBR)  | PBR 990030.5<br><br>PBR 20000032.5 | Before 2000, 2-digit year followed by 4 digit plus 1 decimal serial number.<br><br>After 2000, 4-digit year used.   |
| <b>NL (Netherlands)</b><br><br>Plant Breeder's Rights<br>(PBR) | PBR MAS0432                        | A 3-letter species code followed by a 4-digit number within species.  |

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|--|-------------|--|
|  |             |  |
| <b>NZ (New Zealand)</b><br><br>Plant Breeder's Rights<br>(PBR) | PBR ROS130  | Consists of two parts:<br>- 3-letter plant grouping code;<br>- 3-digit number within the plant grouping.   |
| <b>NO (Norway)</b><br><br>Plant Breeder's Rights<br>(PBR)      | PBR 0467    | PBR consists of a 4-digit number starting with "0001"  |
| <b>PL (Poland)</b><br><br>Plant Breeder's Rights<br>(PBR)      | PBR OO01227 | An application identifier consists of three parts:<br>- 1-letter type code (O-for PBRI).<br>- 1- letter plant's group code (R-agricultural crops, W- vegetables, O- ornamental plants and S- fruit trees and berry plants).<br>- 5-digit number within the plants group. |
| <b>PT (Portugal)</b><br><br>Plant Breeder's Rights<br>(PBR)    | PBR 930024  | 6-digit number:<br>- first 2 digits indicate year of filing;<br>- the other 4 digits indicate the order by which the application was accepted by the Office.   |

|   |                   |  |
|---|-------------------|--|
|   |                   |  |
| <b>RU (Russian Federation)</b><br><br>Plant Breeder's Rights<br>(PBR) | PBR 9908501       | 7-digit number:<br>- first 2 digits indicate year of filing;<br>- the other 5 digits indicate the order by which the application was accepted by the Office. |
| <b>SK (Slovakia)</b><br><br>Plant Breeder's Rights<br>(PBR)           | PBR 001332        | 6-digit number, zero-filled, indicative of the order by which the application was accepted by the Office.  |
| <b>SI (Slovenia)</b><br><br>Plant Breeder's Rights<br>(PBR)           | PBR 321-16-352/96 | All records appear to be "321-16", followed by a serial number, "/" and then the year of filing.   |
| <b>ZA (South Africa)</b><br><br>Plant Breeder's Rights<br>(PBR)       | PBR PT 1021       | "PT" followed by a 4 digit (zero filled) serial number.  |

|   |             |   |
|---|-------------|---|
|   |             |   |
| <b>ES (Spain)</b><br><br>Plant Breeder's Rights<br>(PBR)          | PBR 851231  | 6-digit number, first two digits represent year of filing and last 4 represent annualized serial number.  |
| <b>SE (Sweden)</b><br><br>Plant Breeder's Rights<br>(PBR)         | PBR A 1259  | AR = Agricultural species<br>BR = Vegetables<br><br>A = Agricultural species<br>B = Vegetables<br>C = Fruits<br>D = Berries<br>E= Ornamentals<br>F = Forest Trees |
| <b>GB (United Kingdom)</b><br><br>Plant Breeder's Rights<br>(PBR) | PBR 35/1368 | The first 3 figures of the code (non-zero-filled) identify the species and the last four (non-zero-filled) identify the serial number.                            |
| <b>UY (Uruguay)</b><br><br>Plant Breeder's Rights<br>(PBR)        | PBR 09614   | 5-digits, the first 3 representing the year of filing and the next 2 the serial number.   |
| <b>QZ (Community Plant Variety Office – CPVO)</b>                 |             | European Community  |

|                              |              |   |
|------------------------------|--------------|---|
| Plant Breeder's Rights (PBR) | PBR 19980150 | 8-digit number; first 4 digits indicate year of filing. |
|------------------------------|--------------|---|

- **mockups of composed “Foreign Application Priority Data” when priority claim is based on a foreign application for plant breeder's rights or a foreign application for plant patent**

#### Mockup #1 [Italian application for plant breeder's rights]

(30) **Foreign Application Priority Data**

Mar. 19, 2003 (IT) ..... PBR 1182NV/2003

#### Mockup #2 [CPVO application for plant breeder's rights]

(30) **Foreign Application Priority Data**

Jul. 20, 2003 (QZ) ..... PBR 20030199

#### Mockup #3 [Hungarian application for plant patent]

(30) **Foreign Application Priority Data**

Sep. 20, 2003 (HU) ..... P 03 03211

### **code QZ in foreign priority data of PLANT patents**

Code **QZ** is the two-character code for the (European) Community Plant Variety Office (CPVO).

In a U.S. PLANT application the publication database contractor should capture the two-character code **QZ** and should follow the PBR instructions whenever the foreign priority data source\* shows a country/organization name or code such as the following:

(European) Community Plant Variety Office (CPVO)  
European Union (EU)  
European Community  
European Office  
Europe  
QZ  
European Patent Office (EPO)  
EP

Inasmuch as the European Patent Office (EPO, code **EP**) does not currently issue plant patents, it would be incorrect for the foreign priority data source in a U.S. PLANT application to show the country/organization as European Patent Office or EPO or EP. When the U.S. PLANT application's foreign priority data source shows the

country/organization as any of the above-listed names or codes, the publication database contractor should act on the assumption that the applicant is claiming foreign priority based on a PBR application filed in the (European) Community Plant Variety Office (code **QZ**). For example, if the U.S. PLANT application's declaration shows this:

| PRIOR FOREIGN APPLICATION(S) |                |                        |                    |
|------------------------------|----------------|------------------------|--------------------|
| (Number)                     | (Country)      | (Day/Month/Year Filed) | (Priority Claimed) |
| 2001/9999                    | European Union | April 23, 2001         | Yes                |

then, assuming the publication database contractor has verified all of the foreign priority conditions, the following should be printed on the front page of the composed U.S. PLANT patent:

(30) **Foreign Application Priority Data**  
 Apr. 23, 2001 (QZ) .....PBR 20019999

\* The foreign priority data source is the latest-filed oath/declaration or application data sheet.

## ■ International Classification Data

See **DATA ENTRY FOR UTILITY PATENTS, 15. International Classification Data.**  
 See MPEP 1611.

## ■ U.S. Classification Data

See **DATA ENTRY FOR UTILITY PATENTS, 16. U.S. Classification Data.**

There is only one plant class (Plt.).

## ■ Field of Search

See **DATA ENTRY FOR UTILITY PATENTS, 17. Field of Search.**

## ■ References Cited

See **DATA ENTRY FOR UTILITY PATENTS, 18. References Cited.**

## ■ Examiner Data

See **DATA ENTRY FOR UTILITY PATENTS, 19. Examiner Data.**

## ■ Attorney/Agent/Firm Data

See **DATA ENTRY FOR UTILITY PATENTS, 20. Attorney/Agent/Firm Data.**

## ■ Abstract

See **DATA ENTRY FOR UTILITY PATENTS, 21. Abstract.**

## ■ Claim and Drawing Sheet Totals

### Data Source

There is no data source for the claim total. No claim total is captured in a plant patent, since a plant patent has only one claim.

For information about the data source for the plant drawing sheet total, see the relevant portions of **DATA ENTRY FOR UTILITY PATENTS, 22. Claim, Drawing Sheet, Color Sheet Totals.**

In a **plant** patent, **no color sheet total** is printed. When plant drawings are in color, they are printed in color.

### Pre-Capture Verification

The claim total is not captured in a plant patent.

For information about the pre-capture verification of the plant drawing sheet total, see the relevant portions of **DATA ENTRY FOR UTILITY PATENTS, 22. Claim, Drawing Sheet, Color Sheet Totals.**

### Composition

No claim total is printed.

- The drawing sheet total—the number of sheets followed by the words **Drawing Sheets**—is printed as follows:
  - 9-point
  - Times New Roman Bold
  - uppercase and lowercase
  - centered in column below the abstract
  - **Sheet** replaces **Sheets** when drawing sheet total is 1

## Specification Columns

There is no representative drawing on a plant patent front page. Immediately below the balanced bibliographic columns, a horizontal rule will appear. Immediately below the horizontal rule, the specification will appear. Depending upon its length, the specification may carry over to a second and succeeding pages.

See ***DATA ENTRY FOR UTILITY PATENTS***, Section VI. SPECIFICATION for **Data Source** and **Pre-Capture Verification** information.

Plant specification **Composition** instructions are as follows:

- Numbered columns **1** and **2** will appear on the front page immediately below the horizontal rule. If the specification extends beyond the front page, numbered columns **3** and **4** will appear on any second page, columns **4** and **5** on any third page, etc.
- At the top of any second or succeeding page of the plant specification, the plant patent number [that is, the word Plant and the number] will be printed as follows:
  - 12-point
  - Times New Roman
  - centered at top of second or succeeding page
- Each column number will be printed as follows:
  - 12-point
  - Times New Roman Bold
  - centered in and above the column
- The line numbers will run vertically between the two columns and will be printed as follows:
  - 8-point
  - Times New Roman
  - every fifth line is numbered (5, 10, 15, etc.)
- The title of the invention is not printed at the beginning of the plant specification.
- Any main headings in the plant specification—for example:

BACKGROUND OF THE NEW PLANT

BACKGROUND AND SUMMARY OF THE INVENTION

BRIEF DESCRIPTION OF THE DRAWINGS

DESCRIPTION OF THE NEW PLANT

DETAILED DESCRIPTION OF THE INVENTION

THE PLANT

THE BUD

THE FLOWER

REPRODUCTIVE ORGANS

—are printed as follows:

- 9-point
  - Times New Roman
  - uppercase
  - centered in column
- The running text of the plant specification is printed as follows:
    - 9-point
    - Times New Roman and Times New Roman Bold
    - uppercase and lowercase
  - In the brief description of the drawings: According to 37 CFR 1.165(a), view numbers (FIG. numbers) and reference characters (part numbers and letters) need not be present. If there are no FIG. numbers but there are sheet numbers, then the sheet numbers should be boldface [... and sheet **2** is a photographic view of a ...]. Otherwise, print FIG. 1 is ... and FIG. 2 shows ... , just as in a utility patent.
  - The plant patent detailed description may have a hierarchy of information with each level designated by a particular numbering or lettering system. However, due to space constraints of the specification page format, the specification material must not be set with more than two paragraph indentations. Information of lower orders than the level requiring two paragraph indentations must be run in to the hanging indentation of the second paragraph indentation, maintaining the identifying numbers and/or letters of the lower order material within the run-in paragraphs.
  - The claim statement and the claim (numbered **1**) are printed as described in **DATA ENTRY FOR UTILITY PATENTS, 35 Claim(s)**.
  - The end-of-text sentinel is printed as described in **DATA ENTRY FOR UTILITY PATENTS, Section VI. SPECIFICATION**.

## Drawings

The drawing sheets follow the specification.

The following heading information will appear from left to right at the top of each drawing sheet in the plant patent:

- ◆ U.S. Patent 24-point Times New Roman
- ◆ Aaa. nn, nnnn [issue date] 18-point Times New Roman
- ◆ Sheet \_ of \_ 18-point Times New Roman  
    ↑  
    *Appears only when there are two or more drawing sheets.*
- ◆ US PPnn,nnn Pn 24-point Times New Roman

## **Section III. REISSUE OF UTILITY PATENT**

## **References**

|                 |   |
|-----------------|---|
| 35 U.S.C. 251   | <b>Reissue of defective patents.</b>  |
| 35 U.S.C. 252   | <b>Effect of reissue.</b>   |
| 37 CFR 1.171    | <b>Application for reissue.</b>   |
| 37 CFR 1.172    | <b>Applicants, assignees.</b>   |
| 37 CFR 1.173    | <b>Reissue specification, drawings, and amendments.</b>   |
| 37 CFR 1.175    | <b>Reissue oath or declaration.</b>   |
| 37 CFR 1.176    | <b>Examination of reissue.</b>  |
| 37 CFR 1.177    | <b>Issuance of multiple reissue patents.</b>  |
| 37 CFR 1.178    | <b>Original patent; continuing duty of applicant.</b>   |
| 37 CFR 1.179    | <b>Notice of reissue application.</b>   |
| 37 CFR 1.565    | <b>Concurrent Office proceedings which include an <i>ex parte</i> reexamination proceeding.</b>   |
| 37 CFR 1.570(e) | [when the ... reissued patent will constitute the <i>ex parte</i> reexamination certificate ... ] |
| 37 CFR 1.991    | <b>Merger of concurrent reissue application and <i>inter partes</i> reexamination proceeding.</b> |
| MPEP 1410.01    | <b>Reissue Applicant, Oath or Declaration, and Assent of All Assignees</b>                        |
| MPEP 1411       | <b>Form of Specification</b>  |
| MPEP 1411.01    | <b>Certificate of Correction or Disclaimer in Original Patent</b>                                 |
| MPEP 1412       | <b>Content of claims</b>  |
| MPEP 1413       | <b>Drawings</b>   |
| MPEP 1414       | <b>Content of Reissue Oath or Declaration</b>   |
| MPEP 1416       | <b>Offer to Surrender and Return Original Patent</b>  |
| MPEP 1417       | <b>Claim for Benefit Under 35 U.S.C. 119(a)–(d)</b>   |

|           |   |
|-----------|---|
| MPEP 1418 | <b>Notification of Prior/Concurrent Proceedings and Decisions Thereon, and of Information Known to be Material to Patentability</b> |
| MPEP 1430 | <b>Reissue Files Open to the Public, and Notice of Filing Reissue Announced in <i>Official Gazette</i></b>                          |
| MPEP 1451 | <b>Divisional Reissue Applications; Continuation Reissue Applications Where the Parent is Pending</b>                               |
| MPEP 1452 | <b>Request for Continued Examination of Reissue Application</b>   |
| MPEP 1453 | <b>Amendments to Reissue Applications</b>   |
| MPEP 1455 | <b>Allowance and Issue</b>  |
| MPEP 2285 | <b>Copending Reexamination and Reissue Proceedings</b>  |

## **Key Features**

### **□ Front Page**

The front page of a reissued utility patent consists of a masthead, columned bibliographic data (including an abstract) and, usually, a representative drawing—that is, it resembles the front page of a utility patent, with the following exceptions:

- The original patent number does not appear in the masthead. Instead, at INID code (10) the masthead shows a reissue patent number (**US RE12,345 E**).
- Instead of the heading **Related U.S. Application Data**, the front page shows the heading **Related U.S. Patent Documents**, under which heading there is information about the original patent (and about any earlier reissues of that patent), plus any parent data that appeared in the original patent.
- Normal rules for the use of italics do not apply in the reissue abstract. The only abstract data to be printed in italics is data that has been added to the abstract as a result of the reissue process. (If other new data is added to the front page—such as new inventor data or new foreign priority data—such new data will not be italicized.) Data deleted from the abstract as a result of the reissue is enclosed in bold brackets.
- Sometimes a reissue application and a reexamination proceeding are merged (see 37 CFR 1.565, 37 CFR 1.991, and MPEP 2285). The result of such merged proceedings is a reissued patent which also serves as a reexamination certificate. On the front page of the reissue, immediately following the abstract, the heading **REEXAMINATION RESULTS** is printed, followed by a paragraph stating that the results of the reexamination proceeding are reflected in the reissue patent. See **Section XII. MERGED REISSUE/REEXAMINATION**.

## □ Drawing Sheets

The drawing sheets follow the front page.

## □ Specification

The specification pages follow the drawing sheets. The specification of a reissued utility patent differs as follows from an original utility patent:

- The reissue specification is presented in such a way as to allow ready comparison by showing the original patent's complete specification and by showing all the changes (deletions, additions) that are being made by reissue.
- Immediately following the title in the first column of the specification, a statement appears which explains the style to be used in the specification for indicating deleted data and the style to be used in the specification for indicating added data.
- "Deleted data" is matter which appeared in the original patent but which is no longer operative as a result of the reissue process. In a reissue patent, such data is enclosed by bold single brackets. In a second reissue (that is, a reissue of a reissue), the newly deleted data is enclosed in bold double brackets.
- "Added data" is matter that did not appear in the original patent. In a reissue patent, such data is printed in italics. This means that words and characters that were italicized in the original patent are printed in Roman in the reissue. In a second reissue, the newly added data is boldface Roman, which means that material that was boldface in the original patent (and in the first reissue) is lightface in the second reissue.

## Masthead

### ■ Patent Number Bar Code

See **DATA ENTRY FOR UTILITY PATENTS, 1. Patent Number Bar Code.**

**Composition.** Positions 6-12 will be the prefix RE plus the five-digit reissue patent number:

start US00RE37999E space stop

## ■ Office Identification & “Plain Language” Kind Designation

### Composition

(19) **United States** is the office identification. It is printed flush left on the first line of the masthead (not counting the line with the bar code).

- INID code (19) is printed as follows:

- 9-point
- Times New Roman

- **United States** is printed as follows:

- 18-point
- Times New Roman Bold

(12) **Reissued Patent** is the “plain language” kind designation. It is printed flush left on the second line of the masthead, beneath and aligned with (19) **United States**.

- INID code (12) is printed as follows:

- 9-point
- Times New Roman

- **Reissued Patent** is printed as follows:

- 18-point
- Times New Roman Bold

## ■ Code US, Patent Number, Kind Code

### Data Source

**code US.** This code is non-variable.

**patent number.** See the document entitled *Receipt/Dispatch of Files & Assembly of Weekly Issue*. The five-digit reissue patent number is to be affixed by the publication database contractor in the Patent Number box, in the upper right corner of the face of the file wrapper. This will be the patent number's sole location on or in the file wrapper.

**kind code.** The kind code for a reissue patent is **E**.

**Composition.** The reissue patent number is printed as follows:

- 14-point
- Times New Roman Bold
- code **US** (followed by a space) precedes the uppercase **RE**
- uppercase **RE** precedes the five-digit number (no space between the **RE** and the five-digit number)
- five-digit number is printed with internal comma
- kind code **E** (preceded by a space) follows the five-digit reissue patent number

**US RE12,345 E**

## ■ **Inventor Surname**

See ***DATA ENTRY FOR UTILITY PATENTS, 4. Inventor Surname.***

The processing of the reissue application may lead to a different inventor as the sole or first inventor, which means that the inventor surname printed in the masthead of the reissue may be different from the inventor surname printed in the masthead of the original patent or previous reissue.

## ■ **Patent Date**

**(45) Date of Reissued Patent:** (including the colon) precedes the patent date.

- **INID code (45)** is printed as follows:
  - 9-point
  - Times New Roman
- **Date of Reissued Patent:** (including the colon) and the patent date are printed as follows:
  - 12-point
  - Times New Roman Bold

See ***DATA ENTRY FOR UTILITY PATENTS, 5. Patent Date*** for additional instructions on the printing of the patent date.

# **Front Page Columns**

## ■ Title

See **DATA ENTRY FOR UTILITY PATENTS**, 6. *Title*.

## ■ Inventor Data

See **DATA ENTRY FOR UTILITY PATENTS**, 7. *Inventor Data*.

The processing of the reissue application may lead to changes in the inventorship, which means the inventor data printed on the reissue front page may differ from the inventor data printed on the original patent grant's front page or the front page of an earlier reissue.

Also, when the reissue is the result of an application filed by the assignee, possibly without the knowledge or consent of the inventor, the reissue nevertheless is made in the name(s) of the inventor(s) and the inventor data appears on the front page of the reissue.

## ■ Assignee Data

See **DATA ENTRY FOR UTILITY PATENTS**, 8. *Assignee Data*.

The **Data Source** is the Form PTOL-85B in the reissue application.

The assignee data in the reissue application's Form PTOL-85B may not be the same assignee data that was captured in the original patent (or in the previous reissue). The ownership of the patent may have changed in the interim. Another possibility is that no assignee data was captured in the original patent (or in the previous reissue).

Only the current assignee's name and residence—as those items appear on the reissue application's Form PTOL-85B—will be captured. If no assignee data appears on the reissue application's Form PTOL-85B, no assignee data will be captured, despite the fact that assignee data may have been captured in the original patent (or in the previous reissue).

If the reissue application's Form PTOL-85B shows that the assignee has died and that his or her estate retains ownership, the deceased assignee's name plus the name and residence of the legal representative [heir, executor, etc.] will be captured. (This practice differs from practice with respect to utility patents, in which only the legal representative's name and residence are captured from the form PTOL-85B.) The following is an example of a reissue's printed assignee data when the Form PTOL-85B indicates that the assignee has died and provides the name and residence of the legal representative :

(73) Assignee: **John B. Jones, Jr.**, deceased,  
by Tim E. Jones, Rye, NY (US),  
heir

## ■ Term Notice

If the original patent grant issued from a continued prosecution application (CPA) and if a 20-year-term notice was printed on the original patent grant and if that patent is being reissued, then the 20-year-term notice will be printed on the reissue's front page.

If a 35 U.S.C. 154(d) PTE/PTA notice was printed on the original patent grant and if that patent is being reissued, then the PTE/PTA notice will be printed on the reissue's front page.

However, a terminal disclaimer notice will be printed on the reissue's front page only if a terminal disclaimer was filed as part of the reissue application. That is, a terminal disclaimer notice will be printed on the reissue's front page only if the face of the reissue application's file wrapper indicates a terminal disclaimer.

See **DATA ENTRY FOR UTILITY PATENTS, 9. Term Notice.**

## ■ Application Number

See **DATA ENTRY FOR UTILITY PATENTS, 10. Application Number.**

## ■ Application Filing Date

See **DATA ENTRY FOR UTILITY PATENTS, 11. Application Filing Date.**

A Rule 47 indicator will be printed only when the reissue application (as opposed to the original application) was filed under Rule 47.

## ■ National Stage PCT Data

See **DATA ENTRY FOR UTILITY PATENTS, 12. National Stage PCT Data.**

If national stage PCT data (35 U.S.C. 371 data) appeared on the front page of the original patent, that data will be repeated on the front page of the reissue. The data source will be the front page of the original patent grant.

## ■ Prior (Pre-Grant) Publication Data

If the original patent was a B2 utility the front page of which showed (65) **Prior Publication Data**, then that data will be repeated on the reissue front page.

See under **Composition** in **DATA ENTRY FOR UTILITY PATENTS, 13A. Prior (Pre-Grant) Publication Data [B2 only]**.

## ■ Related U.S. Patent Documents

These types of information are printed, for which the **Data Source** is the reissue application's file wrapper label (or PALM bibliographic data sheet) as well as the front page of the original patent.

Reissue of:

The original patent is identified by patent number, issue date, application number, and application filing date.

Which Is a Reissue of:

If there is a second reissue (a reissue of a reissue), once the first reissue (Reissue of:) has been identified (patent number, issue date, application number, and application filing date), then the second reissue (Which Is a Reissue of:) is identified (patent number, issue date, application number, and application filing date).

U.S. Applications:

- (1) The U.S. Applications data will repeat any parent data that appeared under **Related U.S. Application Data** on the original patent's front page. However, it sometimes happens that the reissue application amends the previously published parent data. For example, the first sentence of the reissue application may delete some of the parent data through the use of brackets. In such an instance, the deleted data would not be printed under U.S. Applications on the reissue patent's front page.

For multiple reissues of the same original patent:

- (2) In a divisional reissue (see MPEP 1451), the U.S. Applications data will state that the issuing patent is a divisional reissue and will identify the "sibling" reissue application(s). Each individual reissue grant, being a reissue of the same original patent as its siblings, has the same Reissue of information as its siblings. See chronology below.
- (3) In the parent reissue (see MPEP 1451) the U.S. Applications data should identify the continuation (child) reissue's application number (if known), filing date, and reissue patent number; and in a continuation reissue (see MPEP 1451) the U.S. Applications data should identify the parent reissue application's

application number, filing date, and reissue patent number. (The parent reissue grant and the continuation reissue grant, being reissues of the same original patent, will have the same Reissue of information.) See chronology below. If a continuation reissue application is filed after the front page of the parent reissue has been set by the publication database contractor, the required information will have to be supplied via a certificate of correction.

**chronology for reissue of reissue:**

- Original patent is granted.
- Applicant files reissue application (and surrenders original patent grant).
- Reissue patent is granted.
- Applicant files a second reissue application (and surrenders first reissue grant).
- Second reissue patent (reissue of reissue) is granted.

**chronology for divisional reissues (multiple reissues of same original patent):**

- Original patent is granted.
- Applicant files divisional reissue applications, siblings which divide the original patent grant's claims (and applicant surrenders original patent grant).
- A divisional reissue patent may be granted from each sibling application.

In each divisional sibling, all deletions and additions are made with respect to the original patent. The USPTO requires that the divisional siblings cross-refer to each other in the first sentence of the specification.

**chronology for parent and continuation reissues (multiple reissues of same original patent):**

- Original patent is granted.
- Applicant files reissue application (and surrenders original patent grant).
- Applicant files a continuation of the earlier reissue application. The earlier reissue application is now regarded as the "parent" application. (There is nothing to surrender, inasmuch as the applicant has already surrendered the original patent grant.)
- Reissue patent may be granted from the parent reissue application.
- A separate reissue patent may be granted from the continuation reissue application.

In both the parent reissue and the continuation reissue, all additions and deletions are made with respect to the original patent. It is possible that the parent reissue application will not have been granted but instead will have been abandoned. The USPTO requires that the parent reissue and the continuation reissue cross-refer to each other in the first sentence of the specification. The published reissue patents (parent and continuation) should show the same cross-reference under the U.S. Applications sub-heading. When such a cross-reference is missing from a published

reissue patent (parent or continuation), it must be provided after issuance by means of a certificate of correction.

**Composition** instructions for **Related U.S. Patent Documents** on reissue patent's front page:

- The heading **Related U.S. Patent Documents** is printed as follows:
  - 9-point
  - Times New Roman Bold
  - uppercase and lowercase
  - centered in the column
- The side-headings Reissue of: , Which Is a Reissue of: , and U.S. Applications: (including the colons) are printed as follows:
  - 9-point
  - Times New Roman
  - uppercase and lowercase
  - flush left
- The INID codes are printed as follows:
  - 9-point
  - Times New Roman
  - flush left
  - INID codes, as follows:

(64) for “Reissue of” and “Which Is a Reissue of” data, on same line as the “Patent No.” of the original patent or previous reissue.

(60) for “U.S. Applications” data when there is any combination of division and continuation/continuation-in-part.

**NOTE:** In a divisional reissue (see MPEP 1451), INID code (60) is to be used when "Divisional reissue of ... " information is combined with the original patent's continuation and/or continuation-in-part information.

(62) for “U.S. Applications” data when all the relationships are divisional.

**NOTE:** In a divisional reissue (see MPEP 1451), INID code [62] is to be used when "Divisional reissue of ..." information is the only "U.S. Applications" data, and INID code (62) is to be used when "Divisional reissue of ..." information is combined with the original patent's division information.

(63) for “U.S. Applications” data when all the relationships are continuation and/or continuation-in-part.

(60) is used separately for U.S. provisional application data when it appears under “U.S. Applications.”

- The side-headings Patent No.: , Issued: , Appl. No.: , and Filed: (including the colons) are printed as follows:
  - 9-point
  - Times New Roman
  - uppercase and lowercase
  - aligned with the analogous headings (Filed: , Appl. No: , Assignee: , Inventor:) that appear elsewhere in the column
  
- The patent number, patent date (issue date), application number, and application filing date are printed as follows:
  - 9-point
  - Times New Roman Bold
  - uppercase and lowercase
  - See **DATA ENTRY FOR UTILITY PATENTS** for document number styles and date styles.
  
- The data appearing under the U.S. Applications: heading—that is, the original patent's parent data—is printed as follows:
  - 8-point
  - Times New Roman
  - uppercase and lowercase
  - block paragraph style
  - See **DATA ENTRY FOR UTILITY PATENTS** for document number styles and date styles.

**NOTE:** In a divisional reissue [see MPEP 1451], the "Divisional reissue of... " information appears under the U.S. Applications: heading and is printed in 8-point Times New Roman as shown above.

## E X A M P L E S

## "Reissue of" data:

### Related U.S. Patent Documents

Reissue of:

(64) Patent No.: 7,777,777  
Issued: Apr. 1, 2000  
Appl. No.: 09/999,999  
Filed: Mar. 29, 1999

## "Reissue of" data and "Which Is a Reissue of" data (that is, a reissue of a reissue):

### Related U.S. Patent Documents

Reissue of:

(64) Patent No.: RE66,666  
Issued: Mar. 9, 2002  
Appl. No.: 10/113,456  
Filed: Jan. 22, 2000

Which Is a Reissue of:

(64) Patent No.: 7,654,321  
Issued: Apr. 1, 1999  
Appl. No.: 08/654,321  
Filed: Mar. 29, 1997

## "Reissue of" data plus "U.S. Applications" data:

### Related U.S. Patent Documents

Reissue of:

(64) Patent No.: 7,777,777  
Issued: Apr. 1, 1997  
Appl. No.: 08/999,999  
Filed: Mar. 29, 1996

U.S. Applications:

(62) Division of application No. 08/900,000, filed on Aug. 9, 1994, now abandoned, which is a division of application No. 08/800,000, filed on Jan. 26, 1993, now abandoned.

## "Reissue of" data plus "U.S. Applications" data, which includes provisional application data:

#### **Related U.S. Patent Documents**

Reissue of:

(64) Patent No.: **1,777,777**  
Issued: **Apr. 1, 2000**  
Appl. No.: **08/909,909**  
Filed: **Feb. 2, 1998**

U.S. Applications:

(62) Division of application No. 08/799,799, filed on Aug. 9, 1997, now abandoned.  
(60) Provisional application No. 60/123,456, filed on Jan. 2, 1997.

**"Reissue of" data and "U.S. Applications" data in divisional reissue when reissue has one "sibling" and when original patent had no parent data:**

#### **Related U.S. Patent Documents**

Reissue of:

(64) Patent No.: **9,888,888**  
Issued: **Nov. 30, 1997**  
Appl. No.: **08/100,100**  
Filed: **Jan. 29, 1996**

U.S. Applications:

(62) Divisional reissue of said Pat. No. 9,888,888.  
RE44,444 (application No. 08/123,456) is also a divisional reissue of said Pat. No. 9,888,888.

**"Reissue of" data and "U.S. Applications" data in divisional reissue when reissue has two "siblings" and when original patent's parent data was divisional:**

#### **Related U.S. Patent Documents**

Reissue of:

(64) Patent No.: **9,000,000**  
Issued: **Dec. 3, 1997**  
Appl. No.: **08/600,000**  
Filed: **Jan. 29, 1996**

U.S. Applications:

(62) Divisional reissue of said Pat. No. 9,000,000, which is a division of application No. 08/500,000, filed on Nov. 15, 1995, now abandoned. RE55,555 (application No. 08/789,101) and RE55,556 (application No. 08/789,102) are also reissues of said Pat. No. 9,000,000.

**"Reissue of" data and "U.S. Applications" data in divisional reissue when reissue has one "sibling" and when original**

## patent's parent data was continuation and/or continuation-in-part:

### Related U.S. Patent Documents

Reissue of:

(64) Patent No.: **8,666,666**  
Issued: **Oct. 3, 1997**  
Appl. No.: **08/611,611**  
Filed: **Sep. 17, 1995**

U.S. Applications:

(60) Divisional reissue of said Pat. No. 8,666,666, which is a continuation of application No. 08/444,444, filed on Dec. 14, 1993, now abandoned. RE50,000 (application No. 08/123,123) is also a divisional reissue of said Pat. No. 8,666,666.

## "Reissue of" data and "U.S. Applications" data in continuation reissue:

### Related U.S. Patent Documents

Reissue of:

(64) Patent No.: **5,999,999**  
Issued: **May 22, 1998**  
Appl. No.: **08/123,45**  
Filed: **Aug. 8, 1998**

U.S. Applications:

(63) Continuation of application No. 09/654,321, filed on Dec. 14, 1997, now Pat. No. RE33,333.

**NOTE:** If the continuation reissue shown above has an INID (21) number of 09/777,666 and an INID (22) date of Dec. 20, 1999, the front page of the parent [RE33,333] would have shown precisely the same Reissue of data, but the parent's U.S. Applications data [if available at the time of its issue] would have said, Application No. 09/777,666, filed on Dec. 20, 1999, is a continuation of this application.

## ■ Foreign Application Priority Data

See **DATA ENTRY FOR UTILITY PATENTS, 14. Foreign Application Priority Data.**

In order for foreign priority data to be printed on a reissue's front page, the applicant must make a foreign priority claim in the reissue application, even when the original application contained a foreign priority claim. More specifically:

- If the applicant made a foreign priority claim in the original application and filed a certified copy in the original application, but the applicant did not repeat the foreign priority claim in the reissue application, then no foreign priority data is to be printed on the reissue patent's front page.

- If the applicant made a foreign priority claim in the original application and filed a certified copy in the original application, and the applicant repeated the foreign priority claim in the reissue application, then the certified copy in the original application is sufficient, and the applicant does not have to file an additional certified copy in the reissue application. In these circumstances, the foreign priority data will be printed on the reissue patent's front page. The data source will be the foreign country, foreign application number, and foreign filing date entered by the USPTO into the FOREIGN APPLICATIONS section of the file wrapper label (or PALM bibliographic data sheet). The publication database contractor will verify this information against the same information on the oath/declaration.
- If the applicant did not make a foreign priority claim in the original application but did make a (new) foreign priority claim in the reissue application, then the applicant must submit a certified copy in the reissue application. In these circumstances, the foreign priority data will be printed on the reissue patent's front page. The data source will be the foreign country, foreign application number, and foreign filing date entered by the USPTO into the FOREIGN APPLICATIONS section of the file wrapper label (or PALM bibliographic data sheet). The publication database contractor will verify this information against the same information on the oath/declaration and on the certified copy.

## ■ International Classification Data

See **DATA ENTRY FOR UTILITY PATENTS, 15. International Classification Data.**

The Data Source is the ISSUING CLASSIFICATION section of the reissue application's file wrapper.

## ■ U.S. Classification Data

See **DATA ENTRY FOR UTILITY PATENTS, 16. U.S. Classification Data.**

The Data Source is the ISSUING CLASSIFICATION section of the reissue application's file wrapper.

## ■ Field of Search

See **DATA ENTRY FOR UTILITY PATENTS, 17. Field of Search.**

The Data Source is the SEARCHED flap of the reissue application file wrapper.

## ■ References Cited

See **DATA ENTRY FOR UTILITY PATENTS, 18. References Cited.**

All reference citations printed on the front page of the original patent, as well as any non-duplicative references cited via Forms PTO-892 and/or IDS forms in the reissue application file wrapper, will be printed on the front page of the reissue patent. The more recent version of a duplicate reference is presumably more accurate with respect to class and subclass. Therefore, the more recent duplicant reference should be captured, that is, the one on Form PTO-892 or IDS in the reissue file wrapper, as opposed to the one that was printed on the original patent's front page.

## ■ Examiner Data

See **DATA ENTRY FOR UTILITY PATENTS, 19. Examiner Data.**

The Data Source is the face of the reissue application file wrapper.

## ■ Attorney/Agent/Firm Data

See **DATA ENTRY FOR UTILITY PATENTS, 20. Attorney/Agent/Firm Data.**

The Data Source is the Form PTOL-85B (Issue Fee Transmittal) in the reissue application file wrapper.

## ■ Abstract

The Composition instructions for the reissue patent's abstract are the same as those in **DATA ENTRY FOR UTILITY PATENTS, 21. Abstract**, except as follows:

- **in a reissue patent's abstract:**
  - Deleted data is enclosed by bold single brackets.
  - Added data is printed in italics. (This means that data ordinarily italicized, such as genus + species, is not italicized in the reissue patent's abstract.)
- **in a second reissue patent's abstract (that is, in the abstract for a reissue of a reissue):**
  - Newly deleted data is enclosed in boldface double brackets. The deleted data that was enclosed in boldface single brackets in the first reissue is again printed in boldface single brackets.
  - Newly added data is printed in boldface. The data that was previously boldface (in the original patent and in the first reissue) is now lightface. The previously added data that was italicized in the first reissue remains italicized.

## ■ “REEXAMINATION RESULTS” Heading and Paragraph

See **Section XII. MERGED REISSUE/REEXAMINATION.**

## ■ Claim, Drawing Sheet, Color Sheet Totals

The claim total to be printed here is the number of claims allowed for the reissue patent. This may be more or less than the number of claims allowed for the original patent, since the reissue application may cancel or add claims.

Otherwise, see **DATA ENTRY FOR UTILITY PATENTS, 22. Claim, Drawing Sheet, Color Sheet Totals.**

## ■ Microfiche Appendix Information [\*\*\*when microfiche appendix was filed before March 1, 2001\*\*\*]

If microfiche appendix information appeared on the front page of the original patent, it will be repeated on the front page of the reissue patent.

See **DATA ENTRY FOR UTILITY PATENTS, 22A. Microfiche Appendix Information [\*\*\*when microfiche appendix was filed before March 1, 2001\*\*\*].**

## Representative Drawing

See **DATA ENTRY FOR UTILITY PATENTS, 23. Representative Drawing.**

## Drawing(s)

See 37 CFR 1.174 and MPEP 1413.

See **DATA ENTRY FOR UTILITY PATENTS, 24. Drawing(s).**

The following heading information will appear from left to right at the top of each drawing sheet of the reissue patent:

- |                              |                          |
|------------------------------|--------------------------|
| ◆ U.S. Patent                | 24-point Times New Roman |
| ◆ Aaa. nn, nnnn [issue date] | 18-point Times New Roman |
| ◆ Sheet _ of _<br>↑          | 18-point Times New Roman |

*Appears only when there are two or more drawing sheets.*

◆ US REnn,nnn E

24-point Times New Roman

***In reissues of utility patents and reissues of plant patents drawings labeled as “Canceled” will not be printed.*** When processing a utility reissue file or a plant reissue file, the USPTO will continue to follow MPEP 1413 so that any drawing labeled as “Canceled” will be turned face down in the file and a large X will be written on the back of the sheet, and the publication database contractor will not capture any drawing labeled as “Canceled.”

## **Specification**

See ***DATA ENTRY FOR UTILITY PATENTS, Section VI. SPECIFICATION.***

**reissue specification.** The reissue specification must be constructed to allow ready comparison by showing both the original patent's specification (and claims) and the changes that are being made by reissue. The original patent's specification may be presented as a cutting up of a copy of the original specification into single columns of printed matter that are affixed to separate sheets of paper, or it may be a retyping of the original specification. The following methods will be used to indicate changes from the original patent:

- Deleted data is bracketed.
- Added data is underlined.
- Bracketing and underlining must incorporate entire words, not parts of words:

[dowel] dowels    **NOT**    dowels

- Similarly, bracketing and underlining must incorporate entire formulas, not parts of formulas. MPEP 1411 says, "Deletion of chemical formula should be shown by brackets which are substantially larger and darker than any in the formula."

**incorporation of certificate of correction changes.** See MPEP 1411.01. If the original patent was changed via certificate of correction, the applicant must have incorporated those changes into the reissue application prior to the filing of the reissue application. The certificate of correction is considered part of the original patent. The certificate of correction's changes must be incorporated into the specification without indication—that is, the deletions are ***not*** to be bracketed and the additions are ***not*** to be underlined.

**amendments to reissue specification.** See 37 CFR 1.173 and MPEP 1453.

**Sequence Listings.** If the original patent contained a nucleotide and/or amino acid Sequence Listing, the reissue application also must contain a Sequence Listing in accordance with the Sequence Listing rules. See **DATA ENTRY FOR UTILITY PATENTS, 34. Sequence Listing.**

### **Pre-Capture Verification**

***surrender of grant copy.*** Before a reissue application can be allowed by the examiner, the reissue applicant must surrender the grant copy of the original patent, or must submit an affidavit or declaration to the effect that the grant copy is "lost or inaccessible." See 37 CFR 1.178 and MPEP 1416.

***improper use of brackets and underlining.*** Brackets should not be used to delete material unless that material was present in the original patent's text. If new material not present in the original patent is being deleted, that material should be lined through in ink. Similarly, when an original claim is being amended via succeeding amendment papers, each amendment paper should use bracketing and underlining relative only to the original claim's text—for example, if the first amendment adds small to an original claim and the second amendment deletes that word, the second amendment should not show [small] but instead should simply omit the word. If a new claim is added, there must be underlining throughout that claim. If that new claim is further amended, bracketing and underlining cannot be used in the further amendments. See MPEP 1453. And, as stated previously, bracketing and underlining must never be used to indicate changes that were made via Certificate of Correction. See MPEP 1411.01.

***uncorrected errors in original patent.*** Errors (including obvious misspellings) in the original patent which were not found and corrected by the applicant in the reissue application will remain uncorrected in the reissue patent.

***numbering of claims.*** The reissue application retains the numbering of the claims that appeared in the original patent, even if some or all of those original claims are being deleted. When new claims (underlined) are added, they will continue the numbering sequence that began in the original patent. If new claims are added but then are later canceled (in red ink), the surviving new claims must be renumbered (in red ink) to continue the numbering sequence that began in the original patent.

***dependency of claims.*** Since the original patent claims are not renumbered, it may happen that the reissue application changes a claim dependency so that a claim is dependent on a higher-numbered claim. This is proper. However, it is improper for a claim to be dependent on a claim that has been canceled, and (per MPEP 1455) if "no change in dependency to a remaining claim has been made, such a dependent claim must be rewritten in independent form."

***“first sentence of specification” requirement for divisional reissues.*** See MPEP 1451, which states, "Appropriate amendments to the continuing data entries are to be made to the file jackets and specification paragraphs for all such applications so that all 'sibling' divisional reissue applications are specifically identified." This means not only that the front page's bibliographic **Related U.S. Patent Documents** data must identify the sibling divisional reissues but also that the "specification paragraph" (that is, the “first sentence” reference to prior related applications) must identify the sibling divisional reissues.

***“first sentence of specification” requirement for continuation reissues and for parents of continuation reissues.*** In a continuation reissue, the first sentence should have been amended so that it contains a reference to the parent reissue application. In a parent of a continuation reissue, the first sentence should have been amended so that it contains a reference to the child reissue application. Such a cross-reference frequently will be missing from a parent reissue application. The USPTO requires that the parent reissue and the child reissue cross-refer each to the other. This cross-reference in the “first sentence of the specification” is new (added) data that is to be printed in italics (see below under **Special Style Rules for Reissue Specification**). When such a cross-reference is missing from a published reissue patent, it is provided later by means of a certificate of correction.

The data base contractor will return the file with a "printer waiting" **QUERY** if:

- *The grant copy is not present and there is no affidavit or declaration stating that the grant copy is lost or inaccessible.*
- *The changes from a Certificate of Correction have not been incorporated into the reissue application.*
- *A surviving claim depends upon a canceled claim.*
- *The reissue application added claims, some of which were canceled, yet the added claims that survived were not renumbered to continue the claim-numbering sequence of the original patent.*
- *In a divisional reissue, the specification's “first sentence” reference to related applications does not specifically identify the "sibling" divisional application(s).*
- *In a divisional reissue, continuation reissue, or parent of a continuation reissue, there is a substantive discrepancy between the file wrapper label (or PALM bibliographic data sheet) continuity data and the specification's “first sentence.”* For example, a query would be necessary if the PALM bibliographic data sheet has been marked by the USPTO to indicate that the reissue application in hand is a continuation of an earlier reissue application, yet the “first sentence” of the specification has not been amended to express this information. On the other hand, if the application in hand is the parent of a later reissue application, yet this

information is shown neither on the PALM bibliographic data sheet nor in the “first sentence” of the specification, then no discrepancy exists between the PALM bibliographic data sheet and the first sentence, and no query can be expected.

## **Composition**

### **❑ General**

See **DATA ENTRY FOR UTILITY PATENTS, 25. Overview**, with respect to printing of patent number [US REnn,nnn E] at top of page, title, columns, column numbers, line numbers, text of specification, and end-of-text sentinel.

### **❑ Brackets/Italics Statement**

Immediately after the title, there will be a statement explaining the significance of heavy brackets and italics in the reissue specification. Such a statement will appear in each reissue specification, even if there is no added data and no deleted data in that specification. The statement is printed in 9-point Times New Roman Bold.

This is the text of the statement in a reissue, divisional reissue, parent/continuation reissue:

**Matter enclosed in heavy brackets O P appears in the original patent but forms no part of this reissue specification; matter printed in italics indicates the additions made by reissue.**

This is the text of the statement in a reissue of a reissue:

**Matter enclosed in heavy brackets O P appears in the original patent but forms no part of the first and this reissue specification; matter printed in italics indicates the additions made by the first reissue. Matter enclosed in double heavy brackets OO PP appears in the first reissue patent but forms no part of this reissue specification; matter printed in bold face indicates the additions made by this reissue.**

### **❑ Special Style Rules for Reissue Specification**

These styles apply to the entire reissue specification, including the claims. (The rules also apply to the reissue abstract, but not to any other parts of the reissue front page.)

The matter that is bracketed in the data source will be printed in heavy (boldface) brackets.

The matter that is underlined in the data source will be printed in italics. Since italicization is reserved for new matter, the usual rules for the use of italics—genus + species, species alone, mathematical and chemical variables, lowercase letters in FIG. numbers and part designations, court cases, book and publication titles—do not apply in the reissue specification. All material which appeared in italics in the original patent's specification will be printed in Roman in the reissue specification.

In a reissue of a reissue, matter deleted by the second reissue will be enclosed in heavy double brackets, and matter added by the second reissue will be printed in boldface. This means that, in a second reissue, the usual rules for the use of boldface do not apply, and all material—FIG. numbers, part numbers, claim numbers—printed in boldface in the original patent (and in the first reissue) will be printed in lightface in the second reissue.

▪ **reissue, divisional reissue, parent reissue, continuation reissue** [changes shown with respect to the original patent]

|                                    |   |                       |
|------------------------------------|---|-----------------------|
| added data                         | ➔ | italics               |
| data italicized in original patent | ➔ | lightface Roman       |
| data boldfaced in original patent  | ➔ | boldface Roman        |
| deleted data                       | ➔ | heavy single brackets |

A [ beam-shaped ] bridge 5 (FIG. 1) is guided by *groove* element 6.

Lash adjusters 10 engage valve stem ends 12–15.

A binary value of 1011 0010 (see Column I of Table 2) is produced by widget 20a.

The temperature in cooling unit 50 is maintained at 5° C.

The specimen of *Musca domestica* is removed after 2 hours.

▪ **reissue of reissue** [changes shown with respect to both the original patent and the previous reissue]

|                                    |   |                       |
|------------------------------------|---|-----------------------|
| newly added data                   | ➔ | boldface Roman        |
| data added in previous reissue     | ➔ | italics               |
| data italicized in original patent | ➔ | lightface Roman       |
| data boldfaced in original patent  | ➔ | lightface Roman       |
| newly deleted data                 | ➔ | heavy double brackets |
| data deleted in previous reissue   | ➔ | heavy single brackets |

A [ beam-shaped ] bridge 5 (FIG. 1) is guided by *groove* element 6.

[ [ Lash adjusters 10 engage valve stem ends 12–15. ] ]

A binary value of 1011 0010 (see Column I of Table 2) is produced by widget 20a.

The temperature in cooling unit 50 is maintained at a **maximum of** 5° C.

The specimen of *Musca domestica* is removed after 2 hours.

## **Section IV. REISSUE OF DESIGN PATENT**

## **References**

See **References** in **Section I. DESIGN PATENT.**

See **References** in **Section III. REISSUE OF UTILITY PATENT.**

## **Key Features**

The reissue of a design patent differs from the original design patent in the following ways:

- In the masthead, the patent number is a reissue number and the patent date indicates that the patent is being reissued.
- There is a **Related U.S. Patent Documents** section which presents the "Reissue of" data and any "U.S. Applications" data.
- The claim and the description are presented in such a way as to allow ready comparison by showing the original design patent's complete claim and description and by showing all of the changes (deletions, additions) that are being made by reissue. In the reissue design's claim and description, the deleted data is enclosed by bold single brackets, and the added data is printed in italics.
- The last item in the columned data is a boldfaced statement which explains the significance of the brackets and italics that appear in the claim and description.

## **Masthead**

### **■ Patent Number Bar Code**

See **Patent Number Bar Code** in **Section III. REISSUE OF UTILITY PATENT.**

All reissue patents (utility, design, plant) are numbered in the same RE series with kind code E.

### **■ Office Identification & “Plain Language” Kind Designation**

See **Office Identification & “Plain Language” Kind Designation** in **Section III. REISSUE OF UTILITY PATENT.**

## ■ Code US, Patent Number, Kind Code

See **Code US, Patent Number, Kind Code** in **Section III. REISSUE OF UTILITY PATENT**.

All reissue patents (utility, design, plant) are numbered in the same RE series with kind code E.

## ■ Inventor Surname

See **DATA ENTRY FOR UTILITY PATENTS, 4. Inventor Surname**.

The processing of the reissue application may lead to a different inventor as the sole or first inventor, which means that the inventor surname printed in the masthead of the design reissue may be different from the inventor surname printed in the masthead of the original design patent or previous design reissue.

## ■ Patent Date

See **Patent Date** in **Section III. REISSUE OF UTILITY PATENT**.

# Columns

## ■ Title

See **DATA ENTRY FOR UTILITY PATENTS, 6. Title**.

See **Title** in **Section I. DESIGN PATENT**.

## ■ Inventor Data

See **DATA ENTRY FOR UTILITY PATENTS, 7. Inventor Data**.

The processing of the design reissue application may lead to changes in the inventorship, which means the inventor data printed on the design reissue may differ from the inventor data printed on the original design patent or on an earlier design reissue. Also, when the design reissue is the result of an application filed by the assignee, possibly without the knowledge or consent of the inventor, the design reissue nevertheless is made in the name(s) of the inventor(s) and the inventor data appears on the design reissue.

## ■ Assignee Data

See **DATA ENTRY FOR UTILITY PATENTS, 8. Assignee Data.**

The **Data Source** is the Form PTOL-85B in the design reissue application.

The assignee data in the design reissue application's Form PTOL-85B may not be the same assignee data that was captured in the original design patent (or in the previous design reissue). The ownership of the patent may have changed in the interim. Another possibility is that no assignee data was captured in the original design patent (or in the previous design reissue).

Only the current assignee's name and residence—as those items appear on the reissue application's Form PTOL-85B—will be captured. If no assignee data appears on the design reissue application's Form PTOL-85B, no assignee data will be captured, despite the fact that assignee data may have been captured in the original design patent (or in the previous design reissue).

If the design reissue application's Form PTOL-85B shows that the assignee has died and that his or her estate retains ownership, the deceased assignee's name plus the name and residence of the legal representative [heir, executor, etc.] will be captured. (This practice differs from practice with respect to utility patents, in which only the legal representative's name and residence are captured from the Form PTOL-85B.) The following is an example of a design reissue's printed assignee data when the Form PTOL-85B indicates that the assignee has died and provides the name and residence of the legal representative:

(73)Assignee:      **John B. Jones, Jr.**, deceased,  
by Tim E. Jones, Rye, NY (US),  
heir

## ■ Terminal Disclaimer Notice

A terminal disclaimer notice will be printed on the reissue's front page only if a terminal disclaimer was filed as part of the reissue application. That is, a terminal disclaimer notice will be printed on the reissue's front page only if the face of the reissue application's file wrapper indicates a terminal disclaimer.

See **DATA ENTRY FOR UTILITY PATENTS, 9. Term Notice.**

## ■ PTE/PTA & 20-Year-Term Notices [not relevant to design reissues]

A patent term extension/adjustment (PTE/PTA) notice cannot appear on a design reissue patent. The term extension/adjustment notice information in **DATA ENTRY FOR UTILITY PATENTS, 9. Term Notice, Patent Term Extension/Adjustment (PTE/PTA) Notice** is **not** applicable to design reissue patents.

A design patent, whether it issues from a CPA application or from a non-CPA application, gets a 14-year term which begins on the day of issue. Therefore the information in **DATA ENTRY FOR UTILITY PATENTS, 13D. Continued Prosecution Application (CPA)**, pertaining to the printing of the 20-year-term notice, is relevant only to utility patents and plant patents and is **not** applicable to design patents.

## ■ Indication of 14-Year Term

No length-of-term information is printed on the design reissue.

## ■ Application Number

See **DATA ENTRY FOR UTILITY PATENTS, 10. Application Number**.

## ■ Application Filing Date

See **DATA ENTRY FOR UTILITY PATENTS, 11. Application Filing Date**.

## ■ Prior (Pre-Grant) Publication Data [not relevant to design reissues]

Design applications are excluded from pre-grant (eighteen-month) publication. Thus no prior (pre-grant) publication data should appear on a design patent or a reissue design patent.

## ■ National Stage PCT Data [not relevant to design reissues]

Since design patents are not included in the Patent Cooperation Treaty (PCT), there will be no 35 U.S.C. 371 data on the original design patent and therefore no 35 U.S.C. 371 data on the design reissue patent.

## ■ Related U.S. Patent Documents

See the **Related U.S. Patent Documents** information in **Section III. REISSUE OF UTILITY PATENT**.

For example:

### Related U.S. Patent Documents

Reissue of:

|      |             |                      |
|------|-------------|----------------------|
| (64) | Patent No.: | <b>Des. 654,321</b>  |
|      | Issued:     | <b>Apr. 1, 1997</b>  |
|      | Appl. No.:  | <b>29/111,111</b>    |
|      | Filed:      | <b>Mar. 29, 1996</b> |

## ■ Foreign Application Priority Data

See the **Foreign Application Priority Data** information in **Section I. DESIGN PATENT** and in **Section III. REISSUE OF UTILITY PATENT**.

See **DATA ENTRY FOR UTILITY PATENTS, 14. Foreign Application Priority Data**.

## ■ International (Locarno) Classification Data

The sole source for the international classification data is the **ISSUING CLASSIFICATION** section of the design reissue file wrapper, where the examiner will have written the Locarno classification(s) in the **INTERNATIONAL CLASSIFICATION** boxes.

See the **International (Locarno) Classification Data** information in **Section I. DESIGN PATENTS**.

## ■ U.S. Classification Data

See **DATA ENTRY FOR UTILITY PATENTS, 16. U.S. Classification Data**.

The sole source for the U.S. classification data is the **ISSUING CLASSIFICATION** section of the design reissue file wrapper.

## ■ Field of Search

See **DATA ENTRY FOR UTILITY PATENTS, 17. Field of Search**.

The source for this data is the SEARCHED flap of the design reissue application file wrapper.

## ■ References Cited

See **DATA ENTRY FOR UTILITY PATENTS, 18. References Cited**.

All reference citations printed on the front page of the original design patent, as well as any non-duplicative references cited via Forms PTO-892 and IDS forms in the design reissue application file wrapper, will be printed on the design reissue patent.

## ■ Examiner Data

See **DATA ENTRY FOR UTILITY PATENTS, 19. Examiner Data**.

The source is the face of the design reissue application file wrapper.

## ■ Attorney/Agent/Firm Data

See **DATA ENTRY FOR UTILITY PATENTS, 20. Attorney/Agent/Firm Data.**

The source is the Form PTOL-85B (Issue Fee Transmittal) in the design reissue application file wrapper.

## ■ Claim

See the **Claim** information in **Section I. DESIGN PATENT.**

The applicant will use the following methods to indicate the changes from the claim in the original design patent:

- Deleted data is bracketed.
- Added data is underlined.

If the original design's claim was changed via certificate of correction, the applicant must have incorporated the changes into the reissue design's claim prior to the filing of the design reissue application. The certificate of correction is considered part of the original design patent. The certificate of correction's changes must be incorporated into the reissue design's claim without indication—that is, the deletions are ***not*** to be bracketed and the additions are ***not*** to be underlined.

### **Pre-Capture Verification**

The following matters should be addressed:

- ***title/claim agreement.*** See the **Claim** information in **Section I. DESIGN PATENT.**]
- ***grant copy.*** See the **Pre-Capture Verification** information under **Specification** in **Section III. REISSUE OF UTILITY PATENT.**
- ***improper use of brackets and underlining.*** See the **Pre-Capture Verification** information under **Specification** in **Section III. REISSUE OF UTILITY PATENT.**
- ***uncorrected errors in original claim.*** See the **Pre-Capture Verification** information under **Specification** in **Section III. REISSUE OF UTILITY PATENT.**

## **Composition**

The instructions shown under **Claim** in **Section I. DESIGN PATENT** are operative for the reissue design's claim, with the following additional instructions:

- The claim matter that is bracketed in the data source will be printed in heavy (boldface) brackets.
- The claim matter that is underlined in the data source will be printed in italics.

## ■ **Description**

See the information under **Description** in **Section I. DESIGN PATENT**.

## **Data Source**

The applicant will use the following methods to indicate the changes from the claim in the original design patent:

- Deleted data is bracketed.
- Added data is underlined.

If the original design's description was changed via certificate of correction, the applicant must have incorporated the changes into the design reissue's description prior to the filing of the design reissue application. The certificate of correction is considered part of the original design patent. The certificate of correction's changes must be incorporated into the design reissue's description without indication—that is, the deletions are ***not*** to be bracketed and the additions are ***not*** to be underlined.

## **Pre-Capture Verification**

The following matters should be addressed:

- ***brief description of each Figure.*** See the **Description** information in **Section I. DESIGN PATENT**.
- ***improper use of brackets and underlining.*** See the **Pre-Capture Verification** information under **Specification** in **Section III. REISSUE OF UTILITY PATENT**.
- ***uncorrected errors in original description.*** See the **Pre-Capture Verification** information under **Specification** in **Section III. REISSUE OF UTILITY PATENT**.

## **Composition**

The instructions shown under **Description** in **Section I. DESIGN PATENT** are operative for the reissue design's description, with the following additional instructions:

- The description matter that is bracketed in the data source will be printed in heavy (boldface) brackets.
- The description matter that is underlined in the data source will be printed in italics.

### ■ **“REEXAMINATION RESULTS” Heading and Paragraph** [*merged reissue/reexamination*]

When the design reissue application has been merged with a reexamination proceeding, the prescribed heading (**REEXAMINATION RESULTS**) and the prescribed statement (The questions raised in reexamination request No. ...) will be printed immediately after the design reissue's description.

See **“REEXAMINATION RESULTS” Heading and Paragraph** [*merged reissue/reexamination*] in **Section III. REISSUE OF UTILITY PATENT**.

### ■ **Claim, Drawing Sheet, Color Sheet Totals**

The claim total for a design reissue patent will always be 1. Otherwise, see **DATA ENTRY FOR UTILITY PATENTS, 22. Claim, Drawing Sheet, Color Sheet Totals**.

### ■ **Brackets/Italics Statement**

On a design reissue patent, the last item in the columned data is a statement explaining the significance italics and heavy brackets in the reissue design claim and description. Such a statement will appear in each design reissue patent, even if there is no added data and no deleted data in the claim and description.

This is the text of the statement, which follows the claim and drawing sheet totals:

Matter enclosed in heavy brackets **Ⓟ** P appears in the original patent but forms no part of this reissue; matter printed in italics indicates the additions made by reissue.

## **Composition**

- preceded by a horizontal rule
- 9-point
- Times New Roman Bold

## **Representative Drawing**

See **DATA ENTRY FOR UTILITY PATENTS, 23. Representative Drawing.**

If the drawing identified by number in the design reissue's **Print Fig.** box is a drawing that has been changed, then both its amended version and its canceled version will be published as the representative drawings on the design reissue's front page and in the electronic *Official Gazette*. The **Print Fig.** cannot be a canceled drawing for which no replacement (amended) drawing exists. (See **QUERY** situation ④ below.)

## **Drawing(s)**

See 37 CFR 1.174 and MPEP 1413.

See **DATA ENTRY FOR UTILITY PATENTS, 24. Drawing(s).**

The following heading information will appear from left to right at the top of each drawing sheet of the design reissue patent:

- |   |                          |
|---|--------------------------|
| ◆ U.S. Patent   | 24-point Times New Roman |
| ◆ Aaa. nn, nnnn [issue date]  | 18-point Times New Roman |
| ◆ Sheet _ of _<br>↑<br><i>Appears only when there are two or more drawing sheets.</i> | 18-point Times New Roman |
| ◆ US REnn,nnn E   | 24-point Times New Roman |

***In reissues of design patents all of the drawings, including previously printed drawings now labeled as “Canceled,” will be printed.*** Inasmuch as the set of drawings is the sole means for showing the design that is being claimed, it is important for purposes of comparison that the reissue of the design patent show a changed drawing in both its canceled and amended versions and/or that the reissue of the design patent show a previously printed drawing that has been canceled but not replaced. When processing a design reissue file, the USPTO will depart from MPEP 1413 by making sure that the formal drawing sheets include any drawing that was printed in the design patent but that has been canceled in the design reissue application, and the publication database contractor will capture and publish all of the drawings, including any previously printed drawing now labeled as “Canceled.”

**drawing changes in reissue of design patent.** In addition to drawings that are unchanged from the original design patent, the drawings in the design reissue file may include the following, all of which will be printed as part of the design reissue patent:

- **CANCELED drawing.** Such a drawing must be surrounded by brackets and must be labeled as “Canceled.”, for example, **FIG. 3 (Canceled)**. (See **QUERY** situation ❶ below.) It is possible for a drawing to be canceled but not replaced. Whether or not the canceled drawing has been replaced, the **DESCRIPTION** section does not need to indicate that the drawing has been canceled.
- **AMENDED drawing.** Such a drawing must be labeled as “Amended.”, for example, **FIG. 3 (Amended)**. When an amended drawing is present, there may or may not be a corresponding canceled drawing. If there is such a corresponding canceled drawing, the amended and canceled drawings should have the same figure number. (See **QUERY** situation ❷ below.) The **DESCRIPTION** section of the design reissue must identify the drawing by its figure number (for example, FIG. 3 is ...) but need not indicate that there is both a canceled version and an amended version.
- **NEW drawing.** Such a drawing must be labeled as “New”, for example, **FIG. 5 (New)**. The new drawing should have a new figure number, that is, a figure number that did not appear in the original design patent. (See **QUERY** situation ❷ below.) The **DESCRIPTION** section of the design reissue must identify the new drawing. (See **QUERY** situation ❸ below.)

**“broken lines” statement.** Usually the canceled drawing differs from the amended drawing in that certain full lines have been converted to broken lines. When this happens, a statement indicating the purpose of the broken lines should be present in the design reissue’s **DESCRIPTION** section, for example, “The broken lines are for illustrative purposes only and form no part of the claimed design.” However, some changes may not involve broken lines, which means that an amended drawing may be present but no “broken line” statement is present. It is not the publication database contractor’s responsibility to determine when a “broken lines” statement is needed. If such a “broken lines” statement is present, either originally or by amendment, the publication database contractor will capture and print it as part of the design reissue’s **DESCRIPTION** section.

**drawing sheet total.** The design reissue’s drawing sheet total will include any canceled drawing sheets. For example, if the drawing sheets are as follows:

|               |                          |
|---------------|--------------------------|
| first sheet   | <b>FIG. 1 (Amended)</b>  |
| second sheet  | <b>FIG. 1 (Canceled)</b> |
| third sheet   | <b>FIG. 2</b>            |
| fourth sheet  | <b>FIG. 3</b>            |
| fifth sheet   | <b>FIG. 4</b>            |
| sixth sheet   | <b>FIG. 5</b>            |
| seventh sheet | <b>FIG. 6</b>            |

then the design reissue’s front page will show the following claim and drawing sheet totals:

1 Claim, 7 Drawing Sheets

The publication database contractor will initiate a “printer waiting” **QUERY** in any of the following situations:

- ❶ *In the design reissue file, a drawing is labeled as “Canceled” but is not surrounded by brackets, or a drawing is surrounded by brackets but is not labeled as “Canceled.”*
- ❷ *In the design reissue file, a drawing labeled as “Canceled” is present but the corresponding drawing with which it shares a figure number is labeled as “New.”* For example, there is a **FIG. 1 (Canceled)** and a **FIG. 1 (New)**. If the “New” drawing is the amended FIG. 1, it should be labeled as “Amended.” If it is indeed a new drawing, it should have a new figure number.
- ❸ *In the design reissue file, a drawing labeled as “New” is present but the **DESCRIPTION** section does not identify it.*
- ❹ *In the design reissue file, the designated **Print Fig.** is a drawing labeled as “Canceled” for which there is no replacement “Amended” version.* For example, if the **Print Fig.** is “1” but the only version of FIG. 1 is labeled as “Canceled,” then the examiner should select a different drawing as the **Print Fig.**

## **Section V. REISSUE OF PLANT PATENT**

## **References**

See **References** in **Section II. PLANT PATENT.**

See **References** in **Section III. REISSUE OF UTILITY PATENT.**

## **Key Features**

The reissue of a plant patent differs from the original plant patent in the following ways:

- In the masthead, the patent number is a reissue number and the patent date is preceded by an indication that the patent is being reissued.
- There is a **Related U.S. Patent Documents** section, which presents the "Reissue of" data and any "U.S. Applications" data.
- The first item in the specification is a boldfaced statement which explains the significance of the brackets and italics that appear in the abstract and the specification.
- The abstract and the specification (including the single numbered claim) are presented in such a way as to allow ready comparison by showing the original plant patent's complete abstract and complete specification and by showing all of the changes (deletions, additions) that are being made by reissue. In the reissue plant's abstract and specification, the deleted data is enclosed by bold single brackets, and the added data is printed in italics. (The data previously italicized in the original plant patent is printed in Roman in the reissue plant.)

## **Masthead**

### **■ Patent Number Bar Code**

See **Patent Number Bar Code** in **Section III. REISSUE OF UTILITY PATENT.**

All reissue patents (utility, design, plant) are numbered in the same RE series with kind code E.

## ■ Office Identification & “Plain Language” Kind Designation

See **Office Identification & “Plain Language” Kind Designation** in **Section III. REISSUE OF UTILITY PATENT**.

## ■ Code US, Patent Number, Kind Code

See **Code US, Patent Number, Kind Code** in **Section III. REISSUE OF UTILITY PATENT**.

All reissue patents (utility, design, plant) are numbered in the same RE series with kind code E.

## ■ Inventor Surname

See **DATA ENTRY FOR UTILITY PATENTS, 4. Inventor Surname**.

The processing of the reissue application may lead to a different inventor as the sole or first inventor, which means that the inventor surname printed in the masthead of the reissued plant patent may be different from the inventor surname printed in the masthead of the original plant patent or a previous reissue of the plant patent.

## ■ Patent Date

See **Patent Date** in **Section III. REISSUE OF UTILITY PATENT**.

# **Bibliographic Columns**

## ■ Title

See **DATA ENTRY FOR UTILITY PATENTS, 6. Title**.

See **Title** in **Section II. PLANT PATENT**.

Just as in the title of the original plant patent, any genus plus species or species alone which appears in the plant reissue's title will be printed in Times New Roman Bold Italics. (The special brackets/italics style rules—which reserve italics for added data only—apply only to the plant reissue's abstract and specification.)

## ■ Latin Name & Varietal Denomination

See **Latin Name & Varietal Denomination** in **Section II. PLANT PATENT**.

If the original plant patent's front page showed Latin Name and Varietal Denomination as INID (50) data, the INID (50) data will be printed on the front page of the reissue of the plant patent.

## ■ Inventor Data

See **DATA ENTRY FOR UTILITY PATENTS, 7. Inventor Data.**

The processing of the plant reissue application may lead to changes in the inventorship, which means the inventor data printed on the reissued plant patent may differ from the inventor data printed on the original plant patent or on an earlier reissue of the plant patent. Also, when the plant reissue patent is the result of an application filed by the assignee, possibly without the knowledge or consent of the inventor, the plant reissue application nevertheless is made in the name(s) of the inventor(s) and the inventor data appears on the plant reissue patent.

## ■ Assignee Data

See **DATA ENTRY FOR UTILITY PATENTS, 8. Assignee Data.**

The **Data Source** is the Form PTOL-85B in the plant reissue application.

The assignee data in the plant reissue application's Form PTOL-85B may not be the same assignee data that was captured in the original plant patent (or in any previous reissues of the plant patent). The ownership of the patent may have changed in the interim. Another possibility is that no assignee data was captured in the original plant patent (or in a previous reissue of the plant patent).

Only the current assignee's name and residence—as those items appear on the plant reissue application's Form PTOL-85B—will be captured. If no assignee data appears on the plant reissue application's Form PTOL-85B, no assignee data will be captured, despite the fact that assignee data may have been captured in the original plant patent (or in a previous reissue of the plant patent).

If the plant reissue application's Form PTOL-85B shows that the assignee has died and that his or her estate retains ownership, the deceased assignee's name plus the name and residence of the legal representative [heir, executor, etc.] will be captured. (This practice differs from practice with respect to original patents, in which only the legal representative's name and residence are captured from the form PTOL-85B.) The following is an example of a plant reissue patent's printed assignee data when the Form PTOL-85B indicates that the assignee has died and provides the name and residence of the legal representative:

(73) Assignee: **John B. Jones, Jr.**, deceased,  
by Tim E. Jones, Rye, NY (US),  
heir

## ■ Term Notice

If the original plant patent grant issued from a continued prosecution application (CPA) and if a 20-year-term notice was printed on the original plant patent grant and if that plant patent is being reissued, then the 20-year-term notice will be printed on the plant reissue patent's front page.

If a 35 U.S.C. 154(d) PTE/PTA notice was printed on the original plant patent grant and if that plant patent is being reissued, then the PTE/PTA notice will be printed on the plant reissue patent's front page.

However, a terminal disclaimer notice will be printed on the plant reissue patent's front page only if a terminal disclaimer was filed as part of the plant reissue application. That is, a terminal disclaimer notice will be printed on the plant reissue patent's front page only if the face of the plant reissue application's file wrapper indicates a terminal disclaimer.

See **DATA ENTRY FOR UTILITY PATENTS, 9. Term Notice.**

## ■ Application Number

See **DATA ENTRY FOR UTILITY PATENTS, 10. Application Number.**

## ■ Application Filing Date

See **DATA ENTRY FOR UTILITY PATENTS, 11. Application Filing Date.**

## ■ National Stage PCT Data

If 35 U.S.C. 371 data appeared on the original plant patent, that data will be repeated on the plant reissue patent.

See **DATA ENTRY FOR UTILITY PATENTS, 12. National Stage PCT Data.**

## ■ Prior (Pre-Grant) Publication Data [*reissue of P3*]

If the original patent was a P3 plant patent the front page of which showed (65) **Prior Publication Data**, then that data will be repeated on the plant reissue patent's front page.

See **Prior (Pre-Grant) Publication Data [*P3 only*]** in **Section II. PLANT PATENT.**

## ■ Related U.S. Patent Documents

See the **Related U.S. Patent Documents** information in **Section III. REISSUE OF UTILITY PATENT**.

For example:

### Related U.S. Patent Documents

Reissue of:

|      |             |               |
|------|-------------|---------------|
| (64) | Patent No.: | PP99,123      |
|      | Issued:     | Apr, 2, 2003  |
|      | Appl. No.:  | 10/888,888    |
|      | Filed:      | Mar. 29, 2002 |

## ■ Foreign Application Priority Data

See the **Foreign Application Priority Data** information in **Section III. REISSUE OF UTILITY PATENT**.

See **DATA ENTRY FOR UTILITY PATENTS, 14. Foreign Application Priority Data**.

## ■ International Classification Data

See **DATA ENTRY FOR UTILITY PATENTS, 15. International Classification Data**.

The sole source of the international classification data is the **ISSUING CLASSIFICATION** section of the plant reissue file wrapper. .

## ■ U.S. Classification Data

See **DATA ENTRY FOR UTILITY PATENTS, 16. U.S. Classification Data**.

The sole source for the U.S. classification data is the **ISSUING CLASSIFICATION** section of the plant reissue file wrapper.

## ■ Field of Search

See **DATA ENTRY FOR UTILITY PATENTS, 17. Field of Search**.

The source for this data is the SEARCHED flap of the plant reissue application file wrapper.

## ■ References Cited

See **DATA ENTRY FOR UTILITY PATENTS, 18. References Cited.**

All reference citations printed on the original plant patent, as well as any non-duplicative references cited via Forms PTO-892 and IDS forms in the plant reissue application file wrapper, will be printed on the plant reissue patent.

## ■ Examiner Data

See **DATA ENTRY FOR UTILITY PATENTS, 19. Examiner Data.**

The source is the face of the plant reissue application file wrapper.

## ■ Attorney/Agent/Firm Data

See **DATA ENTRY FOR UTILITY PATENTS, 20. Attorney/Agent/Firm Data.**

The source is the Form PTOL-85B (Issue Fee Transmittal) in the plant reissue application file wrapper.

## ■ Abstract

See under **Abstract** in **Section III. REISSUE OF UTILITY PATENT.**

## ■ “REEXAMINATION RESULTS” Heading and Paragraph

See **Section XII. MERGED REISSUE/REEXAMINATION.**

## ■ Claim and Drawing Sheet Totals

See **Claim and Drawing Sheet Totals** in **Section II. PLANT PATENT.**

## **Specification Columns**

See **Specification Columns** in **Section II. PLANT PATENT**. The information there is to be followed, as modified by the information presented below.

### **Data Source**

See information under **Specification** in **Section III. REISSUE OF UTILITY PATENT** with respect to the following:

- reissue specification (bracketing and underlining in source)
- incorporation of certificate of correction changes
- amendments to reissue specification
- "printer waiting" queries pertaining to any of the above

### **Pre-Capture Verification**

See information under **Specification**, **Pre-Capture Verification**, in **Section III. REISSUE OF UTILITY PATENT** with respect to the following:

- surrender of grant copy
- improper use of brackets and underlining
- uncorrected errors in original patent
- divisional reissues
- "printer waiting" queries pertaining to the any of the above

### **Composition**

***general.*** See **Specification Columns** in **Section II. PLANT PATENT**.

***brackets/italics statement.*** The first item in the reissue plant specification is a statement explaining the significance of italics and heavy brackets in the reissue plant specification. Such a statement will appear in each reissue plant specification, even if there is no added data and no deleted data in the specification. For the text of the statement and for Composition instructions for the statement, see under the heading **Brackets/Italics Statement** in **Section III. REISSUE OF UTILITY PATENT**.

***special style rules for plant reissue specification.*** The abstract and the specification (including the single numbered claim) are presented in such a way as to allow ready comparison by showing the original plant patent's complete abstract and complete specification and by showing all of the changes (deletions, additions) that are being made by reissue.

- The matter that is bracketed in the data source will be printed in heavy (boldface) brackets.
- The matter that is underlined in the data source will be printed in italics.
- The matter that was italicized in the original plant patent will be printed in Roman.

## **Drawings**

The drawing sheets follow the specification.

The following heading information will appear from left to right at the top of each drawing sheet of the plant reissue patent:

- |   |                          |
|---|--------------------------|
| ◆ U.S. Patent   | 24-point Times New Roman |
| ◆ Aaa. nn, nnnn [issue date]  | 18-point Times New Roman |
| ◆ Sheet _ of _<br>↑<br><i>Appears only when there are two or more drawing sheets.</i> | 18-point Times New Roman |
| ◆ US REnn,nnn E   | 24-point Times New Roman |

***In reissues of utility patents and reissues of plant patents drawings labeled as “Canceled” will not be printed.*** When processing a utility reissue file or a plant reissue file, the USPTO will continue to follow MPEP 1413 so that any drawing labeled as “Canceled” will be turned face down in the file and a large X will be written on the back of the sheet, and the publication database contractor will not capture any drawing labeled as “Canceled.”

## **Section VI. STATUTORY INVENTION REGISTRATION—UTILITY**

## **References**

|               |   |
|---------------|---|
| 35 U.S.C. 157 | Statutory invention registration.   |
| 37 CFR 1.293  | Statutory invention registration.   |
| 37 CFR 1.294  | Examination of request for publication of statutory invention registration and patent application to which the request is directed. |
| 37 CFR 1.295  | Review of decision finally refusing to publish a statutory invention registration.  |
| 37 CFR 1.296  | Withdrawal of request for publication of statutory invention registration.  |
| 37 CFR 1.297  | Publication of statutory invention registration.  |
| MPEP 1101     | Request for Statutory Invention Registration (SIR)  |
| MPEP 1103     | Examination of a SIR  |
| MPEP 1105     | Review of Final Refusal to Publish a SIR  |
| MPEP 1107     | Preparing a SIR for Publication   |
| MPEP 1109     | Withdrawal of SIR Request   |
| MPEP 1111     | SIR Publication and Effect  |

## **Key Features**

Statutory invention registrations issue on the first Tuesday of each month.

A printed statutory invention registration (SIR) resembles a printed patent but has the following distinctive features:

- In the masthead, (19) **United States** (12) **Statutory Invention Registration** appears in place of (12) **United States Patent**.
- In the masthead, (10) **Reg. No.:** appears in place of (10) **Patent No.:** .

- In the masthead, the registration number consists of the prefix US, the letter H and a sequential number, and the kind code H—for example, **US H1666 H**.

NOTE: All SIRs—utility, design, plant—are numbered in the same sequence.

- In the masthead, (43) **Published:** appears in place of (45) **Date of Patent:** .
- As required by 37 CFR 1.297, the following statement of attributes is printed in boldface as the last item in the bibliographic columns on the SIR front page:

A statutory invention registration is not a patent. It has the defensive attributes of a patent but does not have the enforceable attributes of a patent. No article or advertisement or the like may use the term patent, or any term suggestive of a patent, when referring to a statutory invention registration. For more specific information on the rights associated with a statutory invention registration see 35 U.S.C. 157.

### **Image File Wrapper (IFW)**

If both the image coded **SIR**. (SIR request) and the image coded **ASIR** (approval of SIR request) are exported, the application will be published as a SIR. If the **SIR**. image is exported but the **ASIR** image is not, or if the **ASIR** image is exported but the **SIR**. image is not, the publication database contractor must initiate a “printer rush” query.

## **Masthead**

### ■ **SIR Number Bar Code**

See **DATA ENTRY FOR UTILITY PATENTS, 1. Patent Number Bar Code.**

**Composition**, Since a SIR number consists of only five characters (the prefix H plus a four-digit number), the prefix H will occupy position 6, zeros will occupy positions 7 and 8, and the four-digit number will occupy positions 9-12:

start US00H002999H space stop

## ■ Office Identification & “Plain Language” Kind Designation

### Composition.

(19) **United States** is the office identification. It is printed flush left on the first line of the masthead (not counting the line with the bar code).

- INID code (19) is printed as follows:

- 9-point
- Times New Roman

- **United States** is printed as follows:

- 18-point
- Times New Roman Bold

(12) **Statutory Invention Registration** is the “plain language” kind designation. It is printed flush left on the second line of the masthead, beneath and aligned with (19) **United States**.

- INID code (12) is printed as follows:

- 9-point
- Times New Roman

- **Statutory Invention Registration** is printed as follows:

- 18-point
- Times New Roman Bold

## ■ Code US, Registration Number, Kind Code

### Data Source

**code US.** This code is non-variable.

**SIR number.** See the document entitled *Receipt/Dispatch of Files & Assembly of Weekly Issue*. The five-character alphanumeric SIR number (the letter H and four numerics) is to be affixed by the publication database contractor in the Patent Number box, in the upper right corner of the face of the file wrapper. This will be the SIR number's sole location on or in the file wrapper.

**kind code.** The kind code for a SIR is **H**.

### **Composition**

- INID code (10) is printed as follows:
  - 9-point
  - Times New Roman
- **Reg. No.:** (including the colon) is printed as follows:
  - 12-point
  - Times New Roman Bold
- The registration number is printed as follows:
  - 14-point
  - Times New Roman Bold
  - code **US** (followed by a space) precedes the uppercase **H**
  - uppercase **H** precedes the four-digit number (no space between the **H** and the four-digit number)
  - no internal punctuation in four-digit number
  - kind code **H** (preceded by a space) follows the four-digit number

**US H2044 H**

### ■ **Inventor Surname**

See **DATA ENTRY FOR UTILITY PATENTS, 4. Inventor Surname.**

### ■ **Publication Date**

#### **Data Source**

See the document entitled *Receipt/Dispatch of Files & Assembly of Weekly Issue*. The publication database contractor will enter the SIR publication date into the PATENT DATE box that appears on the face of the file wrapper. This is the only place on or in the file that the SIR publication date will appear.

### **Composition**

- INID code (43) is printed as follows:
  - 9-point
  - Times New Roman
- The heading **Published:** (including the colon) and the publication date itself are printed as follows:

- 12-point
- uppercase and lowercase
- Times New Roman Bold
- flush right on same line as surname of inventor
- month abbreviated as follows:
 

|      |      |      |      |      |      |
|------|------|------|------|------|------|
| Jan. | Feb. | Mar. | Apr. | May  | Jun. |
| Jul. | Aug. | Sep. | Oct. | Nov. | Dec. |

## **Front Page Columns**

### **■ Title**

See **DATA ENTRY FOR UTILITY PATENTS, 6. Title.**

### **■ Inventor Data**

See **DATA ENTRY FOR UTILITY PATENTS, 7. Inventor Data.**

### **■ Assignee Data**

#### **Data Source**

#### **Image File Wrapper (IFW)**

In an Image File Wrapper (IFW) export, the document coded as **SIR**. (SIR request) will serve as the source for the assignee data.

The data source for the SIR's assignee data is the paper titled "Request for Statutory Invention Registration." (There is no Form PTOL-85B in a SIR file.) The publication database contractor can locate this paper by referring to the CONTENTS flap of the file wrapper. If the SIR is assigned and the applicant is providing the assignee data, the "Request for Statutory Invention Registration" will contain information similar to the following example:

The name of the assignee to be printed on the Statutory  
Invention Registration is:

Milo Minderbinder Enterprises  
Ketchikan, Alaska

If no assignee data is present on the "Request for Statutory Invention Registration," no assignee data will be printed on the front page of the SIR.

## **Pre-Capture Verification**

**when assignee data is incomplete.** If the assignee data is incomplete in the source, then it will be captured in the incomplete form. For example, if the "Request for Statutory Invention Registration" shows an assignee name but does not show an assignee residence, the assignee name will be captured.

**when "Request for Statutory Invention Registration" shows assignee's post office address.** Only the assignee's residence [city + U.S. state, or city + foreign country] is to be captured. Other assignee address elements that appear on the "Request for Statutory Invention Registration" (street, province, postal code, etc.) are not to be captured.

**multiple names for same assignee.** When the "Request for Statutory Invention Registration" gives the assignee name in two forms, only the "first appearing name" is to be captured. For example, if the assignee is identified as *Exe Wye Zee Inc. doing business as Exton Technologies*, only the "first appearing name" (*Exe Wye Zee Inc.*) is to be captured as the assignee name.

**English and non-English versions of assignee name.** If the "Request for Statutory Invention Registration" gives the assignee name in an English version and a non-English version, the English version is to be captured, even if the non-English version is the "first appearing name."

**"Assignee Type" code.** The publication database contractor, using the assignee information on the "Request for Statutory Invention Registration," must determine the assignee "type" of each assignee. In ***DATA ENTRY FOR UTILITY PATENTS, 8. Assignee Data***, see **Assignee Type Code** [*Grant Red Book only*].

**business category terms.** When such terms as the following appear in the assignee information on the "Request for Statutory Invention Registration," they will not be captured (they may, however, be useful in helping to determine the "Assignee Type" code):

- a company of Sweden
- a Swiss company
- a corporation of Norway
- a firm
- a public establishment of France
- a partnership

**numerical part interest.** When such terms as the following appear in the assignee information on the "Request for Statutory Invention Registration," they will be not be captured:

- half interest to
- 10% interest to

¼ interest to

Instead, the fact that the assignee holds a part interest will be indicated by printing "a part interest" [one assignee] or "part interest to each" [multiple assignees] at the end of the assignee data.

**when U.S. government is the assignee.** The usual wording is the following:  
The United States of America, as represented by the [ position title, such as Secretary of Defense, Administrator of the National Aeronautics and Space Administration, etc. ], Washington, D.C. Sometimes, the assignee name will be given as The United States of America, without further specificity. The U.S. government assignee name is to be captured as it appears on the "Request for Statutory Invention Registration."

**when assignee is also inventor.** When a joint inventor is identified as an assignee on the "Request for Statutory Invention Registration," his or her post office address will be captured in the inventor data. The inventor/assignee's name and residence [city + U.S. state, or city + foreign country] will be captured as the assignee data.

**township in assignee's U.S. residence.** When the "Request for Statutory Invention Registration" shows a township in the assignee's U.S. residence, there is no requirement that a county be shown. The publication database contractor will capture the township and any county that appears with the township. If the oath/declaration shows a township but no county, the publication database contractor will not return the file to the PTO via a "printer waiting" query. No county will be captured.

**variant U.S. city spellings.** When variant spellings are shown for U.S. city names, the spelling on the oath/declaration will be captured. For example, a joint inventor's city on the oath is shown as St. Louis, but that same inventor is named as the assignee on the "Request for Statutory Invention Registration," and his city there is shown as Saint Louis. The city name would be captured as St. Louis not only in the inventor data but also in the assignee data.

**foreign city spellings.** If the assignee's foreign city name appears in *Appendix C: FOREIGN CITY "PRINT VERSION" LIST* in **DATA ENTRY FOR UTILITY PATENTS**, use the "print version" that appears on the list. Otherwise, capture the name as it appears on the "Request for Statutory Invention Registration." For example, if the "Request for Statutory Invention Registration" says that the assignee is from Wien, Austria, the city name will be captured as Vienna. However, the city name for an assignee from Zwettl, Austria, will be captured without alteration.

NOTE: An exception to the preceding is this: If, on the oath/declaration, an inventor/ assignee uses the "foreign" spelling of a city name which

appears on the Appendix C list, that "foreign" spelling of the city name will be captured for all bibliographic purposes on the patent front page. For example, there are three joint inventors from the same foreign city, one of whom is also the assignee. On the oath, the inventor/ assignee spells his city name as Wien. It does not matter whether the other two inventors use Wien or Vienna on the oath, or whether the inventor/assignee uses Vienna in the assignee section of the "Request for Statutory Invention Registration." The inventor/assignee's city spelling on the oath (Wien) will be used for all three inventors in the inventor data and for the inventor-as-assignee in the assignee data.

**when an heir, executor, etc. is shown as assignee.** If the "Request for Statutory Invention Registration" shows that the assignee is the heir, executor, etc. of a deceased inventor, the name of the heir, executor, etc., will not be captured as assignee data. Information relating to the heir, executor, etc. will be captured as part of the inventor data.

**deceased assignee.** If an assignee who is not an inventor dies during the prosecution of the application, the name and residence of the heir, executor, etc. should appear in the assignee information on the "Request for Statutory Invention Registration," the name and residence of the heir, executor, etc., is to be captured as they appear on that paper. Any reference on to the deceased assignee is not to be captured. For example, if the "Request for Statutory Invention Registration" shows the assignee information as follows:

Henry J. Green, deceased, Mary Ellen Green,  
administratrix, Reading, Pa.

the assignee name to be captured is Mary Ellen Green and the assignee's residence to be captured is Reading, Pa.

**deceased inventor/assignee.** If an inventor/assignee dies during the prosecution of the application, the name of the heir, executor, etc. may appear in the assignee information on the "Request for Statutory Invention Registration." When this happens, the assignee data to be captured will include data about both the deceased inventor/assignee and the heir, executor, etc.

With respect to **Composition** and **Grant Red Book Cross-Reference**, see **DATA ENTRY FOR UTILITY PATENTS, 8. Assignee Data.**

## ■ Term Notice [*not relevant to SIRs*]

No term notice of any kind (including a terminal disclaimer notice) will be printed on a SIR. A SIR has no term.

It is possible for an applicant to file a terminal disclaimer, then later to file a Request for a Statutory Invention Registration (that is, a request that the

application be published as a SIR rather than issued as a patent). Upon the filing of the Request for a Statutory Invention Registration, the terminal disclaimer becomes moot.

## ■ Application Number

See *DATA ENTRY FOR UTILITY PATENTS, 10. Application Number.*

## ■ Application Filing Date

See *DATA ENTRY FOR UTILITY PATENTS, 11. Application Filing Date.*

## ■ National Stage PCT Data

See *DATA ENTRY FOR UTILITY PATENTS, 12. National Stage PCT Data.*

## ■ Related U.S. Application Data

See *DATA ENTRY FOR UTILITY PATENTS, 13B. Related U.S. Application Data.*

## ■ Foreign Application Priority Data

See *DATA ENTRY FOR UTILITY PATENTS, 14. Foreign Application Priority Data.*

## ■ International Classification Data

See *DATA ENTRY FOR UTILITY PATENTS, 15. International Classification Data.*

## ■ U.S. Classification Data

See *DATA ENTRY FOR UTILITY PATENTS, 16. U.S. Classification Data.*

## ■ Field of Search

See *DATA ENTRY FOR UTILITY PATENTS, 17. Field of Search.*

A search is not required in a SIR. However, when valid data is present in the SEARCHED box, that data is to be captured.

## ■ References Cited

See **DATA ENTRY FOR UTILITY PATENTS, 18. References Cited.**

Reference citations are not required in a SIR. However, when valid reference citations appear on Form PTO-892 and/or Information Disclosure Statements, those citations are to be captured.

## ■ Examiner Data

See **DATA ENTRY FOR UTILITY PATENTS, 19. Examiner Data.**

## ■ Attorney/Agent/Firm Data

### Data Source

#### **Image File Wrapper (IFW)**

In an Image File Wrapper (IFW) export, the document coded as **SIR**. (SIR request) will serve as the source for the attorney/agent/firm data.

The data source for the SIR's attorney/agent/firm data is the paper titled "Request for Statutory Invention Registration." (There is no Form PTOL-85B in a SIR file.) The data base contractor can locate this paper by referring to the CONTENTS flap of the file wrapper. If the applicant is providing the attorney/agent/firm data for printing on the patent, the "Request for Statutory Invention Registration" will contain information similar to the following example:

The names of the attorney and firm listed below are to be printed on the front page of the Statutory Invention Registration :

Jane Clarence  
Richard Darrow  
Wye & Zee

If no attorney/agent/firm data is present on the "Request for Statutory Invention Registration," no attorney/agent/firm data will be printed on the front page of the SIR.

### **Pre-Capture Verification**

**no verification.** Since the "Request for Statutory Invention Registration" is the sole data source for attorney/agent/firm data, no verification is necessary.

**no "printer waiting" query.** Do not query if there is no attorney/agent/firm data on the "Request for Statutory Invention Registration."

**individual attorney/agent name.** The attorney/agent's name is to be captured as it appears on the "Request for Statutory Invention Registration." No part of the name is to be abbreviated unless it is also abbreviated on the "Request for Statutory Invention Registration."

**firm name.** The complete firm name is to be captured as it appears on the "Request for Statutory Invention Registration." When the firm name appears with a designation such as P.C., and Associates, S.C., etc., that designation is to be captured as part of the firm name.

**order of names.** The attorney/agent/firm names are to be captured in the order in which they appear on the "Request for Statutory Invention Registration."

**more than three names.** When there are more than three names, capture the first three only. The names of up to three individual attorneys/agents may be captured, OR the name of a firm plus the names of up to two attorneys/agents.

With respect to Composition and Grant Red Book Cross-Reference, see **DATA ENTRY FOR UTILITY PATENTS, 20. Attorney/Agent/Firm Data.**

## ■ Abstract

See **DATA ENTRY FOR UTILITY PATENTS, 21. Abstract.**

## ■ Claim, Drawing Sheet, Color Sheet Totals

See **DATA ENTRY FOR UTILITY PATENTS, 22. Claim, Drawing Sheet, Color Sheet Totals.**

## ■ Microfiche Appendix Information [\*\*\*when microfiche appendix was filed before March 1, 2001\*\*\*]

See **DATA ENTRY FOR UTILITY PATENTS, 22A. Microfiche Appendix Information [\*\*\*when microfiche appendix was filed before March 1, 2001\*\*\*].**

## ■ Statement of Attributes

See 37 CFR 1.297. The following "statement relating to the attributes of a statutory invention registration" will be printed as the last item in the front page columns:

---

A statutory invention registration is not a patent. It has the defensive attributes of a patent but does not have the enforceable attributes of a patent. No article or advertisement or the like may use the term patent, or any term suggestive of a patent, when referring to a statutory invention registration. For more specific information on the rights associated with a statutory invention registration see 35 U.S.C. 157.

### **Composition**

- preceded by a horizontal rule
- 9-point
- Times New Roman Bold
- uppercase and lowercase
- block paragraph

## **Representative Drawing**

See **DATA ENTRY FOR UTILITY PATENTS, 23. Representative Drawing.**

## **Drawings**

See **DATA ENTRY FOR UTILITY PATENTS, 24. Drawing(s)**, except that the **Composition** instructions for printing the SIR's drawings vary with respect to the heading on the drawing sheet(s). See below.

### **Composition**

In the composed utility SIR, the drawing sheets follow the front page and precede the specification pages.

The drawings must be legibly reduced (not below 70% plus/minus 2% of the original copy.)

The following heading information will appear from left to right at the top of each drawing sheet in the utility SIR:

- |                                    |                          |
|------------------------------------|--------------------------|
| ◆ U.S. Registration                | 24-point Times New Roman |
| ◆ Aaa. nn, nnnn [publication date] | 18-point Times New Roman |
| ◆ Sheet _ of _                     | 18-point Times New Roman |



*Appears only when there are two or more drawing sheets.*

◆ US Hnnnn H

24-point Times New Roman

## **Specification**

See ***DATA ENTRY FOR UTILITY PATENTS***, Section VI. SPECIFICATION.

## **Section VII. STATUTORY INVENTION REGISTRATION—DESIGN**

## **References**

See **References** in Section VI. STATUTORY INVENTION REGISTRATION—UTILITY.

## **Key Features**

See **Key Features** in Section VI. STATUTORY INVENTION REGISTRATION—UTILITY.

### **Image File Wrapper (IFW)**

If both the image coded **SIR.** (SIR request) and the image coded **ASIR** (approval of SIR request) are exported, the application will be published as a SIR. If the **SIR.** image is exported but the **ASIR** image is not, or if the **ASIR** image is exported but the **SIR.** image is not, the publication database contractor must initiate a “printer rush” query.

## **Masthead**

### ■ **SIR Number Bar Code**

See **SIR Number Bar Code** in Section VI. STATUTORY INVENTION REGISTRATION—UTILITY.

### ■ **Office Identification & “Plain Language” Kind Designation**

See **Office Identification & “Plain Language” Kind Designation** in Section VI. STATUTORY INVENTION REGISTRATION—UTILITY.

### ■ **Code US, Registration Number, Kind Code**

See **Code US, Registration Number, Kind Code** in Section VI. STATUTORY INVENTION REGISTRATION—UTILITY.

### ■ **Inventor Surname**

See **Inventor Surname** in Section VI. STATUTORY INVENTION REGISTRATION—UTILITY.

## ■ Publication Date

See **Publication Date** in Section VI. STATUTORY INVENTION REGISTRATION—UTILITY.

## Columns

### ■ Title

See **DATA ENTRY FOR UTILITY PATENTS**, 6. *Title*.

See **Title** in Section I. DESIGN PATENT.

### ■ Inventor Data

See **DATA ENTRY FOR UTILITY PATENTS**, 7. *Inventor Data*.

### ■ Assignee Data

See **Assignee Data** in in Section VI. STATUTORY INVENTION REGISTRATION—UTILITY.

### **Image File Wrapper (IFW)**

In an Image File Wrapper (IFW) export, the document coded as **SIR**. (SIR request) will serve as the source for the assignee data.

### ■ Term Notice [*not relevant to SIRs*]

No term notice of any kind (including a terminal disclaimer notice) will be printed on a SIR. A SIR has no term.

It is possible for an applicant to file a terminal disclaimer, then later to file a Request for Statutory Invention Registration (that is, a request that the application be published as a SIR rather than issued as a patent). Upon the filing of the Request for Statutory Invention Registration, the terminal disclaimer becomes moot.

## ■ Indication of 14-Year Term [*not relevant to design SIRs*]

A SIR has no term. No length-of-term information is printed on the front page of a design SIR.

## ■ Application Number

See **DATA ENTRY FOR UTILITY PATENTS, 10. Application Number.**

## ■ Application Filing Date

See **DATA ENTRY FOR UTILITY PATENTS, 11. Application Filing Date.**

## ■ National Stage PCT Data [*not relevant to design SIRs*]

Designs are not included in the Patent Cooperation Treaty (PCT). Thus, no 35 U.S.C. 371 data will appear on a design patent or a design SIR.

## ■ Related U.S. Application Data

See **DATA ENTRY FOR UTILITY PATENTS, 13B. Related U.S. Application Data.**

35 U.S.C. 119(e) benefits, domestic priority benefits based on prior U.S. provisional applications, are not available to design applicants.

## ■ Foreign Application Priority Data

See **DATA ENTRY FOR UTILITY PATENTS, 14. Foreign Application Priority Data**, which may be relied upon, except as shown below.

A design applicant may claim a foreign priority benefit under 35 U.S.C. 119(a)–(d) when the U.S. design application is filed within six (6) months after the filing of the foreign application. See MPEP 1504.10.

## ■ International (Locarno) Application Data

See **International (Locarno) Application Data in Section I. DESIGN PATENT.**

## ■ U.S. Classification Data

See **U.S. Classification Data in Section I. DESIGN PATENT.**

## ■ Field of Search

See **DATA ENTRY FOR UTILITY PATENTS, 17. Field of Search.**

A search is not required in a SIR. However, when valid data is present in the SEARCHED box, that data is to be captured.

## ■ References Cited

See **DATA ENTRY FOR UTILITY PATENTS, 18. References Cited.**

Reference citations are not required in a SIR. However, when valid reference citations appear on Form PTO-892 and/or Information Disclosure Statements, those citations are to be captured.

## ■ Examiner Data

See **Examiner Data** in Section I. DESIGN PATENT.

## ■ Attorney/Agent/Firm Data

See **Attorney/Agent/Firm Data** in Section VI. STATUTORY INVENTION REGISTRATION—UTILITY.

### **Image File Wrapper (IFW)**

In an Image File Wrapper (IFW) export, the document coded as **SIR**. (SIR request) will serve as the source for the attorney/agent/firm data.

## ■ Claim

See **Claim** in Section I. DESIGN PATENT.

## ■ Description

See **Description** in Section I. DESIGN PATENT.

## ■ Claim, Drawing Sheet, Color Sheet Totals

See **Claim, Drawing Sheet, Color Sheet Totals** in Section I. DESIGN PATENT.

## ■ Statement of Attributes

See **Statement of Attributes** in **Section VI. STATUTORY INVENTION REGISTRATION—UTILITY**.

## **Representative Drawing**

See **Representative Drawing** in **Section I. DESIGN PATENT**.

## **Drawings**

See **DATA ENTRY FOR UTILITY PATENTS, 24. Drawing(s)**, except that the **Composition** instructions for printing the SIR's drawings vary with respect to the heading on the drawing sheet(s). See below.

### **Composition**

In a design SIR, the drawing sheets follow the front page.

The drawings must be legibly reduced (not below 70% plus/minus 2% of the original copy.)

The following heading information will appear from left to right at the top of each drawing sheet in the design SIR:

- |   |                          |
|---|--------------------------|
| ◆ U.S. Registration   | 24-point Times New Roman |
| ◆ Aaa. nn, nnnn [publication date]  | 18-point Times New Roman |
| ◆ Sheet _ of _<br>↑<br><i>Appears only when there are two or more drawing sheets.</i> | 18-point Times New Roman |
| ◆ US Hnnnnn H   | 24-point Times New Roman |

## **Section VIII.     STATUTORY INVENTION REGISTRATION—PLANT**

## **References**

See **References** in Section VI. STATUTORY INVENTION REGISTRATION—UTILITY.

## **Key Features**

See **Key Features** in Section VI. STATUTORY INVENTION REGISTRATION—UTILITY.

### **Image File Wrapper (IFW)**

If both the image coded **SIR.** (SIR request) and the image coded **ASIR** (approval of SIR request) are exported, the application will be published as a SIR. If the **SIR.** image is exported but the **ASIR** image is not, or if the **ASIR** image is exported but the **SIR.** image is not, the publication database contractor must initiate a “printer rush” query.

## **Masthead**

### **■ SIR Number Bar Code**

See **SIR Number Bar Code** in Section VI. STATUTORY INVENTION REGISTRATION—UTILITY.

### **■ Office Identification & “Plain Language” Kind Designation**

See **Office Identification & “Plain Language” Kind Designation** in Section VI. STATUTORY INVENTION REGISTRATION—UTILITY.

### **■ Code US, Registration Number, Kind Code**

See **Code US, Registration Number, Kind Code** in Section VI. STATUTORY INVENTION REGISTRATION—UTILITY.

## ■ Inventor Surname

See **Inventor Surname** in **Section VI. STATUTORY INVENTION REGISTRATION—UTILITY**.

## ■ Publication Date

See **Publication Date** in **Section VI. STATUTORY INVENTION REGISTRATION—UTILITY**.

# **Bibliographic Columns**

## ■ Title

See **Title** in **Section II. PLANT PATENT**.

## ■ Latin Name & Varietal Denomination

See **Latin Name & Varietal Denomination** in **Section II. PLANT PATENT**.

## ■ Inventor Data

See **Inventor Data** in **Section II. PLANT PATENT**.

### **Image File Wrapper (IFW)**

In an Image File Wrapper (IFW) export, the document coded as **SIR**. (SIR request) will serve as the source for the assignee data.

## ■ Assignee Data

See **Assignee Data** in **Section VI. STATUTORY INVENTION REGISTRATION—UTILITY**.

## ■ Term Notice [*not relevant to SIRs*]

No term notice of any kind (including a terminal disclaimer notice) will be printed on a SIR. A SIR has no term.

It is possible for an applicant to file a terminal disclaimer, then later to file a Request for Statutory Invention Registration (that is, a request that the application be

published as a SIR rather than issued as a patent). Upon the filing of the Request for Statutory Invention Registration, the terminal disclaimer becomes moot.

## ■ Application Number

See **Application Number** in **Section II. PLANT PATENT**.

## ■ Application Filing Date

See **Application Filing Date** in **Section II. PLANT PATENT**.

## ■ National Stage PCT Data

See **National Stage PCT Data** in **Section II. PLANT PATENT**.

## ■ Related U.S. Application Data

See **Related U.S. Application Data** in **Section II. PLANT PATENT**.

## ■ Foreign Application Priority Data

See **Foreign Application Priority Data** in **Section II. PLANT PATENT**.

## ■ International Classification Data

See **International Classification Data** in **Section II. PLANT PATENT**.

## ■ U.S. Classification Data

See **U.S. Classification Data** in **Section II. PLANT PATENT**.

## ■ Field of Search

See **Field of Search** in **Section II. PLANT PATENT**.

## ■ References Cited

See **DATA ENTRY FOR UTILITY PATENTS, 18. References Cited**.

Reference citations are not required in a SIR. However, when valid reference citations appear on Form PTO-892 and/or Information Disclosure Statements, those citations are to be captured.

## ■ Examiner Data

See **Examiner Data** in **Section II. PLANT PATENT**.

## ■ Attorney/Agent/Firm Data

See **Attorney/Agent/Firm Data** in **Section VI. STATUTORY INVENTION REGISTRATION—UTILITY**.

### **Image File Wrapper (IFW)**

In an Image File Wrapper (IFW) export, the document coded as **SIR**. (SIR request) will serve as the source for the attorney/agent/firm data.

## ■ Abstract

See **Abstract** in **Section II. PLANT PATENT**.

## ■ Claim and Drawing Sheet Totals

See **Claim and Drawing Sheet Totals** in **Section II. PLANT PATENT**.

## ■ Statement of Attributes

See **Statement of Attributes** in **Section VI. STATUTORY INVENTION REGISTRATION ,UTILITY**.

## **Specification Columns**

See **Specification Columns** in **Section II. PLANT PATENT**.

## **Drawings**

The drawing sheets follow the specification.

The following heading information will appear from left to right at the top of each drawing sheet in the plant SIR:

- ◆ U.S. Registration 24-point Times New Roman
- ◆ Aaa. nn, nnnn [publication date] 18-point Times New Roman
- ◆ Sheet \_ of \_ 18-point Times New Roman
  - ↑
  - Appears only when there are two or more drawing sheets.*
- ◆ US Hnnnn H 24-point Times New Roman

**Section IX.    *EX PARTE* REEXAMINATION  
CERTIFICATE**

## **References**

|               |   |
|---------------|---|
| 35 U.S.C. 302 | Request for reexamination.  |
| 35 U.S.C. 303 | Determination of issue by Commissioner.   |
| 35 U.S.C. 304 | Reexamination order by Commissioner.  |
| 35 U.S.C. 307 | Certificate of patentability, unpatentability, and claim cancellation.  |
| 37 CFR 1.510  | Request for <i>ex parte</i> reexamination.  |
| 37 CFR 1.515  | Determination of the request for <i>ex parte</i> reexamination.   |
| 37 CFR 1.520  | <i>Ex parte</i> reexamination at the initiative of the Commissioner.  |
| 37 CFR 1.525  | Order for <i>ex parte</i> reexamination.  |
| 37 CFR 1.530  | Statement by patent owner in <i>ex parte</i> reexamination; amendment by patent owner in <i>ex parte</i> or <i>inter partes</i> reexamination; inventorship change in <i>ex parte</i> or <i>inter partes</i> reexamination. |
| 37 CFR 1.565  | Concurrent office proceedings which include an <i>ex parte</i> reexamination proceeding.  |
| 37 CFR 1.570  | Issuance of <i>ex parte</i> reexamination certificate after <i>ex parte</i> reexamination proceedings.  |
| MPEP          | Chapter 2200 : Citation of Prior Art and <i>Ex Parte</i> Reexamination of Patents   |
| MPEP 2229     | Notice of Request in <i>Official Gazette</i>  |
| MPEP 2257     | Listing of Prior Art  |
| MPEP 2283     | Multiple Copending Reexamination Proceedings  |
| MPEP 2285     | Copending Reexamination and Reissue Proceedings   |
| MPEP 2288     | Issuance of Reexamination Certificate   |
| MPEP 2290     | Format of Certificate   |
| MPEP 2291     | Notice of Certificate Issuance in <i>Official Gazette</i>   |
| MPEP 2292     | Distribution of Certificate   |

# Key Features

## □ Front Page

- At the top of the masthead, the words **EX PARTE REEXAMINATION CERTIFICATE** are followed by an ordinal number in parentheses, such as (5555th).

NOTE: The *ex parte* reexamination certificates will continue the ordinal numbering sequence that has already been established for reexamination certificates. The *inter partes* reexamination certificates will be numbered in a separate and new ordinal sequence, beginning with (1st).

- In the masthead, INID code (10) is followed by the word **Number:** (including the colon), the **US** code, the original patent number (or reissue number), plus a two-character “kind code” suffix. The “kind code” suffix is **C1** for a first reexamination certificate, **C2** for a second reexamination certificate for the same patent, etc.
- In the masthead at INID code (45), the words **Certificate Issued:** (including the colon) precede the certificate's date of issuance.
- In the left column, the side heading **Reexamination Request:** is followed on the next line by the reexamination request number and its date. The reexamination request number consists of the prefix 90, followed by a diagonal and a sequential number.
- In the left column, the side heading **Reexamination Certificate for:** is followed on the next four lines by information—patent number, issue date, application number, filing date—identifying the patent that has been reexamined.
- A single terminal disclaimer notice will be printed in the left column of the reexamination certificate when a terminal disclaimer notice was printed on the original patent and/or when a terminal disclaimer was filed during the reexamination proceedings.
- If one or more claims was disclaimed prior to or during the reexamination proceedings, certain relevant information is printed in the left column, specifically, the number(s) of the claim(s), the filing date of the disclaimer, and the citation of the *Official Gazette* in which the notice of the disclaimer was published.
- If a Certificate of Correction issued for the original patent, this fact is indicated in the left column, including the issue date of the Certificate of Correction.
- At INID (56) **References Cited**, only those references are printed which are part of the reexamination file—that is, citations that are located in the file on Forms PTO-892 and/or information disclosure statements (IDS papers).

- If a court decision is relevant to the reexamination, a court decision statement (including the citation of the decision) is printed as the last paragraph of the abstract.

## □ Drawings

If any drawing(s) from the patent were changed as a result of the reexamination proceeding, drawing sheet(s) showing the changed drawing(s) are printed as part of the reexamination certificate.

## □ Specification

The reexamination certificate does not reprint the specification of the original patent. Instead, the certificate's specification consists of expressions of the results of the reexamination. The certificate's specification prints only those portions of the specification or claims that were changed as a result of the reexamination.

- The following wording appears at the beginning of each certificate's specification:

**EX PARTE  
REEXAMINATION CERTIFICATE  
ISSUED UNDER 35 U.S.C. 307**

- If the reexamination proceeding has resulted in no amendments to the original patent's specification, the information shown below is printed:

NO AMENDMENTS HAVE BEEN MADE TO  
THE PATENT.

AS A RESULT OF REEXAMINATION, IT HAS  
BEEN DETERMINED THAT:

Followed by a statement confirming the patentability of the claims, plus any information about any previous (that is, in a prior proceeding) cancellation of claims and/or information about any previous disclaiming of claims.

- If the reexamination proceeding has resulted in amendments to the original patent's specification, drawings, and/or claims, those changes are indicated as shown below. If any of the information shown below is not relevant to the certificate, that information is omitted.

THE PATENT IS HEREBY AMENDED AS  
INDICATED BELOW.

**Matter enclosed in heavy brackets [] appeared in the patent, but has been deleted and is no longer a part of the patent; matter printed in italics indicates additions made to the patent.**

ONLY THOSE PARAGRAPHS OF THE  
SPECIFICATION AFFECTED BY AMENDMENT

ARE PRINTED HEREIN.

Followed by the column number and line numbers of each amended paragraph, followed by the text of the paragraph showing both the deleted (bracketed) matter and the new (italicized) matter.

THE DRAWING FIGURES HAVE BEEN  
CHANGED AS FOLLOWS:

Followed by text describing each change.

AS A RESULT OF REEXAMINATION, IT HAS  
BEEN DETERMINED THAT:

Followed by text describing how each claim has or has not been affected by reexamination, and the text of new and amended claims—with changes indicated via bracketing (deleted matter) and italicization (new matter).

## **Masthead**

### ■ **Reexamination Number Bar Code**

See ***DATA ENTRY FOR UTILITY PATENTS, Patent Number Bar Code.***

**Composition.** Positions 6+12 will be the patent number (utility, design, plant, reissue):

start US006555999C1 stop

start US00D453999C1 stop

start US00PP12999C1 stop

start US00RE37999C1 stop

### ■ **Certificate Heading & Sequential Number**

The certificate heading consists of the words **EX PARTE REEXAMINATION CERTIFICATE**, which is followed by the sequential number (an ordinal number in parentheses).

The ordinal number—for example, (25th), (691st), (3,231st)—locates the certificate in the sequence of *ex parte* reexamination certificates.

NOTE: The *ex parte* reexamination certificates will continue the ordinal numbering sequence that has already been established for reexamination certificates. The *inter partes*

reexamination certificates will be numbered in a separate and new ordinal sequence, beginning with (1st).

### **Definitions**

**certificate number** the reexamined patent's number, to which a “kind code” suffix such as C1, C2, etc., has been added

**reexamination number** the control number (analogous to an application number) given to the *ex parte* reexamination request; consists of series code 90 + six digits

**sequential number** the parenthetical ordinal number which indicates the location of the published certificate in the chronological order of publication of reexamination certificates (including *ex parte* reexamination certificates)

### **Composition**

- INID code (12) is printed as follows:
  - 9-point
  - Times New Roman
- **EX PARTE REEXAMINATION CERTIFICATE** is printed as follows:
  - 16-point
  - Times New Roman Bold
  - uppercase
  - centered on same line as, and preceding, the ordinal number
- The sequential number in parentheses is printed as follows:
  - 14-point
  - Times New Roman
  - numerals and lowercase
  - centered on same line as, and following, **EX PARTE REEXAMINATION CERTIFICATE**

## **■ Office Identification & “Plain Language” Kind Designation**

### **Composition**

- **United States Patent** is printed as follows:
  - 18-point
  - Times New Roman Bold

- uppercase and lowercase
- flush left on the same line as the INID (10) Number data
- no INID code

## ■ Code US, Certificate Number, Kind Code

The certificate number is printed on the right side of the masthead, on the same line as **United States Patent**. The certificate number consists of the INID code (10), the word **Number:** (including the colon), the original patent number, and the “kind code” suffix, **C1** for the reexamination certificate that issues as the result of the (first) reexamination proceeding, **C2** for the reexamination certificate that issues if there has been a second reexamination proceeding, etc. For example:

(10) **Number: US 7,654,321 C1**

(10) **Number : US D654,321 C1**

(10) **Number: US PP54,321 C1**

(10) **Number : US RE54,321 C1**

### Data Source

The data source for the certificate number is the **CERTIFICATE NUMBER** block on the face of the reexamination file wrapper.

### Composition

- INID code (10) is printed as follows:
  - 9-point
  - Times New Roman
- The word **Number:** (including the colon) is printed as follows :
  - 12-point
  - Times New Roman Bold
- The certificate number (US prefix plus patent number plus “kind code” suffix) is printed as follows:
  - 14-point
  - Times New Roman Bold
  - commas to be printed as shown in examples above

## ■ Inventor Surname

See **DATA ENTRY FOR UTILITY PATENTS**, *Inventor Surname*.

**Data Source** for the inventor surname on the reexamination certificate is as follows:

- If there is inventor data in Item E2 of the REEXAMINATION CLERK CHECKLIST and/or in Item 22 of the EXAMINER CHECKLIST - REEXAMINATION, the item(s) will be the source for the capture of the inventor surname.
- In the absence of inventor data on the checklists, the inventor surname will be the same inventor surname data that appears on the paper copy of the original patent.

## ■ Certificate Date

The certificate date is printed on the right side of the masthead, directly below the certificate number. The INID code for the certificate date is (45). The INID code is followed by the words **Certificate Issued:** (including the colon). For example:

(45) **Certificate Issued: Dec. 18, 2001**

The **Data Source** for the certificate date is the CERTIFICATE DATE block on the face of the reexamination file wrapper.

### Composition

- INID code (45) is printed as follows:
  - 9-point
  - Times New Roman
- The words **Certificate Issued:** (including the colon) are printed as follows:
  - 12-point
  - Times New Roman Bold
  - uppercase and lowercase
- The certificate date itself is printed as follows:
  - 12-point
  - Times New Roman Bold
  - uppercase and lowercase
  - flush right on same line as surname of inventor
  - month abbreviated as follows:

|      |      |      |      |      |      |
|------|------|------|------|------|------|
| Jan. | Feb. | Mar. | Apr. | May  | Jun. |
| Jul. | Aug. | Sep. | Oct. | Nov. | Dec. |

When a terminal disclaimer notice is being printed, a term notice indicator (an asterisk) will be printed to the left of the certificate date, as follows:

(45) **Certificate Issued:**     \* **Dec. 18, 2001**

## **Columns**

### **■ Title**

See **DATA ENTRY FOR UTILITY PATENTS**, *Title*.

The **Data Source** for the reexamination certificate's title is as follows:

- If there is title data in Item E1 of the REEXAMINATION CLERK CHECKLIST and/or in Item 21 of the EXAMINER CHECKLIST - REEXAMINATION, the checklist item(s) will be the source for the capture of the title.
- If there is no title data on the checklists, the source for the capture of the title will be the title that appears on the paper copy of the original patent, or on the PALM bibliographic data sheet located inside the reexamination file wrapper.

### **■ Latin Name & Varietal Denomination [reexamination of plant patent]**

See **Latin Name & Varietal Denomination** in **Section II. PLANT PATENT**.

If the original plant patent's front page showed Latin Name and Varietal Denomination as INID (50) data, the INID (50) data will be printed on the front page of the reexamination certificate.

### **■ Inventor Data**

See **DATA ENTRY FOR UTILITY PATENTS**, *Inventor Data*.

The **Data Source** for the reexamination certificate's inventor data is as follows:

- If there is inventor data in Item E2 of the REEXAMINATION CLERK CHECKLIST and/or in Item 22 of the EXAMINER CHECKLIST - REEXAMINATION, the checklist item(s) will be the source for the capture of the inventor data.

- If there is no inventor data on the checklists, the inventor data to be printed on the reexamination certificate is the same inventor data that appears on the paper copy of the original patent.

## ■ Assignee Data

See **DATA ENTRY FOR UTILITY PATENTS**, *Assignee Data*.

The **Data Source** for the reexamination certificate's assignee data is as follows:

- The information in the APPLICANTS block on the PALM bibliographic data sheet located inside the reexamination file wrapper should be checked against the assignee information that appears on the Title Report. If these two sources provide the same assignee information, either may serve as the data source for the assignee data.
- If the APPLICANTS block and the Title Report do not provide the same assignee information, the data source will be the Title Report.

## ■ Reexamination Request Data

This consists of the side-heading **Reexamination Request:**, followed on the next line by the reexamination request number and date.

The reexamination request number is control number (analogous to an application number) given to the reexamination request. The *ex parte* reexamination request number consists of the series code 90 plus a six-digit sequential number.

The following is an example of reexamination request data:

**Reexamination Request:**  
No. 90/000,999, Dec. 14, 1997

The **Data Source** for the reexamination request data is the CONTROL NUMBER block on the face of the reexamination file wrapper.

### Composition

- **Reexamination Request:** (including the colon) is printed as follows:
  - 9-point
  - Times New Roman Bold
  - uppercase and lowercase
  - flush left
- The abbreviation No., the reexamination request number, and the date are printed as follows:

- 9-point
- Times New Roman
- uppercase and lowercase
- on next line after **Reexamination Request:** and aligned with Inventor:  
side-heading
- month abbreviated as follows:
 

|      |      |      |      |      |      |
|------|------|------|------|------|------|
| Jan. | Feb. | Mar. | Apr. | May  | Jun. |
| Jul. | Aug. | Sep. | Oct. | Nov. | Dec. |

NOTE: If there are multiple reexamination request numbers and dates, they are to be printed in ascending order by earliest date / earliest number.

## ■ Reexamination Certificate Data

This consists of the side-heading **Reexamination Certificate for:**, followed on the next line by the side-heading Patent No: and the patent number, followed on the next line by the side-heading Issued: and the patent issue date, followed on the next line by the side-heading Appl. No.: and the patent application number, followed on the next line by the side-heading Filed: and the patent application filing date.

For example:

|                                       |                      |
|---------------------------------------|----------------------|
| <b>Reexamination Certificate for:</b> |                      |
| Patent No.:                           | <b>4,931,457</b>     |
| Issued:                               | <b>Jun. 5, 1990</b>  |
| Appl. No.:                            | <b>07/372,508</b>    |
| Filed:                                | <b>Jun. 28, 1989</b> |

The **Data Source** for the reexamination certificate data is as follows:

- The source for the patent number , the application number, and the filing date is the CONTINUING DATA block on the PALM bibliographic data sheet located inside the reexamination file wrapper.
- The source for the patent issue date is either the front page of the issued patent [the date appearing at INID code (45)] or the Title Report, as long as those two sources agree. If the two sources do not agree, the source to be followed is the front page of the issued patent.

### Composition

- **Reexamination Certificate for:** is printed as follows:
  - 9-point
  - Times New Roman Bold
  - uppercase and lowercase

- flush left
- The side-headings Patent No.:, Issued:, Appl. No.:, and Filed: (including the colons) are printed as follows:
  - 9-point
  - Times New Roman
  - uppercase and lowercase
  - beginning on next line after **Reexamination Certificate for:** , in the order shown above, each side-heading on its own line, and all aligned with Inventor: side-heading
- The patent number, issue date, application number, and filing date are printed as follows:
  - 9-point
  - Times New Roman Bold
  - uppercase and lowercase
  - each spaced apart from appropriate side-heading, all in vertical alignment
  - month in dates abbreviated as follows:
 

|      |      |      |      |      |      |
|------|------|------|------|------|------|
| Jan. | Feb. | Mar. | Apr. | May  | Jun. |
| Jul. | Aug. | Sep. | Oct. | Nov. | Dec. |

## ■ Terminal Disclaimer (TD) Notice

**If a terminal disclaimer notice was printed on the original patent and/or if a terminal disclaimer was filed during the reexamination proceedings**, a single terminal disclaimer notice with the following wording will be printed on the reexamination certificate's front page:

(\*) Notice: This patent is subject to a terminal disclaimer.

**Step (1)** – The publication database contractor will look to see if a terminal disclaimer notice was printed on the front page of the original patent.

- If the original patent's front page does show a terminal disclaimer notice, a terminal disclaimer notice with the wording shown above will be printed on the front page of the reexamination certificate. In this situation, there is no need for the publication database contractor to go to Step (2).
- If the original patent does not show a terminal disclaimer notice, the publication database contractor will go to Step (2).

**Step (2)** – The publication database contractor will go to Item 3 of the EXAMINER CHECKLIST – REEXAMINATION to see if a terminal disclaimer was filed during the reexamination proceedings.

☐ ☐ 3. Was a terminal disclaimer or dedication filed DURING reexamination?

- If the YES box has been marked, a terminal disclaimer notice with the wording shown above will be printed on the front page of the reexamination certificate.
- If the NO box has been marked, no terminal disclaimer notice will be printed on the front page of the reexamination certificate.
- If neither box has been marked, the publication database contractor will initiate a “printer waiting” **QUERY**.

**alternative source** – Since Item D3 of the REEXAMINATION CLERK CHECKLIST requires that the reexamination clerk look at Item 3 of the EXAMINER CHECKLIST - REEXAMINATION to see if a terminal disclaimer was filed during reexamination, the publication database contractor may rely upon the marking of the YES box at Item D3 of the REEXAMINATION CLERK CHECKLIST as the indication that a terminal disclaimer must be printed on the front page of the reexamination certificate.

#### **Composition.**

- No INID code is printed with the terminal disclaimer notice.
- The bracketed asterisk, the Notice: side-heading (including the colon), and the notice are printed as follows:
  - 9-point
  - Times New Roman
  - uppercase and lowercase

#### **■ Claim(s) Disclaimer Data**

If claim(s) were disclaimed either prior to or during the reexamination proceedings the reexamination certificate's front page identifies such claim(s) by claim number, shows the filing date of the disclaimer, and cites the *Official Gazette* in which the disclaimer appeared.

For example:

Disclaimer of Claims 1 and 3  
Filed: Nov. 16, 1993 (1156 O.G. 3)

#### **Data Source**

- For the number(s) of the claim(s), the source is Item 9 and/or Item 10 of the

## EXAMINER CHECKLIST - REEXAMINATION.

- For the disclaimer filing date and the *Official Gazette* citation, the source is Item D6 of the REEXAMINATION CLERK CHECKLIST.

### Composition

- The claim(s) disclaimer data is printed as follows:
  - 9-point
  - Times New Roman
  - uppercase and lowercase
  - data beginning with the words Disclaimer of flush left on one line;  
data beginning Filed: flush left on next line
  - month abbreviated as follows:

|      |      |      |      |      |      |
|------|------|------|------|------|------|
| Jan. | Feb. | Mar. | Apr. | May  | Jun. |
| Jul. | Aug. | Sep. | Oct. | Nov. | Dec. |

## ■ Certificate of Correction Data

If a Certificate of Correction was issued to correct the original patent, the date of the Certificate of Correction is printed on the front page of the reexamination certificate.

For example:

Certificate of Correction issued Dec. 14, 1994

The Data Source is Item 4 of the EXAMINER CHECKLIST-REEXAMINATION.

### Composition

- The certificate of correction data (the words Certificate of Correction issued, followed by a date) will be printed as follows:
  - 9-point
  - Times New Roman
  - uppercase and lowercase
  - month abbreviated as follows:

|      |      |      |      |      |      |
|------|------|------|------|------|------|
| Jan. | Feb. | Mar. | Apr. | May  | Jun. |
| Jul. | Aug. | Sep. | Oct. | Nov. | Dec. |

## ■ 35 U.S.C. 371 Data

When the original patent issued from the U.S. national stage of an international (PCT) application, the relevant bibliographic information that was printed on the front page of the original patent—that is,

- international filing date [PCT Filed:]
- international application number [PCT No.:],
- 35 U.S.C. 371 date [§ 371 Date:] & 35 U.S.C. 102(e) date [§ 102(e) Date:]

**OR**

- 35 U.S.C. 371(c)(1), (2), (4) date [[§ 371(c)(1), (2), (4) Date:]
- the international publication number [PCT Pub. No.:]
- international publication date [PCT Pub. Date:]

—is to be reprinted on the front page of the reexamination certificate.

The **Data Source** is the front page of the original patent. For **Composition** instructions see **DATA ENTRY FOR UTILITY PATENTS, 35 U.S.C. 371 Data**.

## ■ Related U.S. Application Data

### Data Source

- If data appeared under the **Related U.S. Application Data** on the front page of the original patent, that data is to be repeated on the front page of the reexamination certificate. The source is the paper copy of the original patent.
- However, the data base contractor should also look at Item 23 of the EXAMINER CHECKLIST - REEXAMINATION and at Item E4 of the REEXAMINATION CLERK CHECKLIST. If related U.S. application data appears in those locations, the checklist item(s) are to be used as the source.

For **Composition** instructions see **DATA ENTRY FOR UTILITY PATENTS, Related U.S. Application Data**.

## ■ Foreign Application Priority Data

### Data Source

- The source is the FOREIGN/PCT APPLICATIONS section of the PALM bibliographic data sheet located inside the reexamination file wrapper.
- However, the data base contractor should check Item 24 of the EXAMINER CHECKLIST - REEXAMINATION to see if the examiner has indicated the paper number of a document on which there is foreign priority data. The indicated paper would take precedence as a data source.

For **Composition** instructions see **DATA ENTRY FOR UTILITY PATENTS, Foreign Application Priority Data**.

## ■ International Classification Data

The **Data Source** is the ISSUING CLASSIFICATION section of the reexamination file wrapper.

For **Pre-Capture Verification** and **Composition** instructions, see ***DATA ENTRY FOR UTILITY PATENTS, International Classification Data.***

## ■ U.S. Classification Data

The **Data Source** is the ISSUING CLASSIFICATION section of the reexamination file wrapper .

For **Pre-Capture Verification** and **Composition** instructions, see ***DATA ENTRY FOR UTILITY PATENTS, U.S. Classification Data.***

## ■ Field of Search

The **Data Source** is the REEXAM FIELD OF SEARCH section of the inside left flap of the reexamination file wrapper.

For **Pre-Capture Verification** and **Composition** instructions, see ***DATA ENTRY FOR UTILITY PATENTS, Field of Search.***

## ■ References Cited

The **Data Source** will be the Forms PTO-892 or information disclosure statements (IDS papers) located in the inside center section of the reexamination file wrapper.

For **Pre-Capture Verification** and **Composition** instructions, see ***DATA ENTRY FOR UTILITY PATENTS, References Cited.***

## ■ Examiner Data

The **Data Source** is the REEXAMINED AND PASSED FOR CERTIFICATE section of the face of the reexamination file wrapper.

For **Composition** instructions see ***DATA ENTRY FOR UTILITY PATENTS, Examiner Data.***

## ■ Attorney/Agent/Firm Data

Item D5 of the REEXAMINATION CLERK CHECKLIST asks the clerk to indicate by paper number any "paper submitted indicating the names of registered attorneys or agents or a firm to be published on certificate." The paper so indicated will serve as the **Data Source** for the attorney/agent/firm data that is to be printed on the reexamination certificate. If such a paper is not indicated on the REEXAMINATION CLERK CHECKLIST, no attorney/agent/firm data is to be printed.

For **Composition** instructions see **DATA ENTRY FOR UTILITY PATENTS, Attorney/Agent/Firm Data**.

## ■ Abstract

### Data Source

- The abstract on the paper copy of the original patent is the source for printing the abstract on the reexamination certificate.
- However, the data base contractor must also look at Item 25 of the EXAMINER CHECKLIST - REEXAMINATION. If Item 25 indicates by number a paper on which an abstract appears, that paper takes precedence as the data source over the paper copy of the original patent.

For **Composition** instructions see **DATA ENTRY FOR UTILITY PATENTS, Abstract**.

## Representative Drawing

On most reexamination certificates, a representative drawing is to be printed on the front page.

### Data Source

- for identifying (by number) the representative figure(s) to be printed on the reexamination certificate's front page (and in the reexamination certificate's *Official Gazette* data) , the source is the **Print Fig.** or "O.G. Fig." information on the reexamination file wrapper.
- for capturing the representative figure(s), the source is the representative figure(s) on the front page of the original patent.

See **DATA ENTRY FOR UTILITY PATENTS, Representative Drawing**.

## Amended/New Drawing(s)

If the reexamination proceeding results in amendments to a drawing or results in the filing of a new drawing, such an amended drawing or new drawings is to be printed as part of the reexamination certificate. Such a drawing will be printed on a separate sheet between the reexamination certificate's front page and the reexamination certificate's specification sheet(s).

### Data Source

- See Item D2 of the REEXAMINATION CLERK CHECKLIST, which will indicate (via YES/NO boxes) whether there were changes to drawings. If the YES box is checked, the number of the paper containing the changed drawing will be indicated, as well as the Figure number of the drawing.
- Item 2 of the EXAMINER CHECKLIST - REEXAMINATION will indicate the same information, but in addition—if the YES box is checked—Item 2 will supply the text that is to be printed as part of the specification. This text will be supplied as sub-Item c [c. The drawing figure(s) have been change as follows:] and will be printed as described in the Specification section below. The publication database contractor will return the file via a "printer waiting" **QUERY** if:

➡ *The YES box is checked in Item 2, yet sub-Item c does not provide the correct text.*

- The source for capturing the changed drawings is the clean copy of the changed drawing, which copy is located in the reexamination file wrapper. As of a revision effective on November 7, 2000, 37 CFR 1.530(d) [*Making amendments in a reexamination proceeding.*] says, in part, the following:

(3) *Drawings.* . . . Upon approval of the changes by the examiner, only new sheets of drawings including the changes and in compliance with § 1.84 must be filed. Amended figures must be identified as “Amended,” and any added figure must be identified as “New.” In the event a figure is cancelled, the figure must be surrounded by brackets and identified as “Canceled.”

For Composition instructions see **DATA ENTRY FOR UTILITY PATENTS, Drawing(s)**.

The "Sheet \_\_ of \_\_" information printed on the reexamination certificate's drawing sheets will reflect the drawing sheets in that reexamination certificate, not the drawing sheets in the original patent. For example, if the original patent had five drawing sheets, each with one figure [FIG. 1 on Sheet 1 of 5, FIG. 2 on Sheet 2 of 5, ... FIG. 5 on Sheet 5 of 5], and if the reexamination certificate has amended FIG. 2 and amended FIG. 3, each on a separate sheet, then the reexamination certificate would print FIG. 2 on Sheet 1 of 2 and FIG. 3 on Sheet 2 of 2.

## **Specification**

*The reexamination certificate does not reprint the entire specification of the original patent. Instead, the certificate's specification presents the results of the reexamination proceeding. The certificate's specification prints only those portions of the original patent's specification or claims that were changed as a result of the reexamination proceeding.*

### **■ Required in column 1 of *ex parte* reexamination specification.**

- EX PARTE REEXAMINATION CERTIFICATE ... **heading**

### **■ If original patent has not been amended.**

*If the reexamination proceeding has resulted in no amendments to the original patent, the following elements are required to be printed.*

- NO AMENDMENTS ... **statement**
- AS A RESULT ... **preamble**

*The above elements may be followed by any of these elements, depending upon what appears in the data source(s):*

- **confirmation of patentability of claim(s)**
- **identification of previously canceled claim(s)**
- **identification of previously disclaimed claim(s)**
- **identification of claims not reexamined**
- **identification of "other" claim(s) with "other" status(es)**

### **■ If original patent has been amended so that (1) all claims are now canceled and/or disclaimed, (2) no new claims are present, and (3) the specification has not been amended.**

*If this set of circumstances, the following element is required to be printed:*

- THE PATENT IS HEREBY AMENDED ... **statement**

*The above element may be followed by any of these elements, depending upon what appears in the data source(s):*

- **identification of previously canceled claim(s)**
- **identification of previously disclaimed claim(s)**
- **identification of currently disclaimed claim(s)**
- **identification of currently canceled claim(s)**
- **identification of claim(s) not reexamined**

- identification of "other" claim(s) with "other" status(es)
- THE DRAWING FIGURES ... preamble + drawing amendment text

■ **If original patent has been amended so that there are (1) changes to the specification and/or (2) changes to the claims and/or (3) new claims.**

*If this set of circumstances, the following elements are required to be printed:*

- THE PATENT IS HEREBY AMENDED ... **statement**
- Matter enclosed ... **statement**

*The above elements may be followed by any of these elements, depending upon what appears in the data sources:*

- ONLY THOSE PARAGRAPHS ... **statement + text of amended paragraph(s)**
- THE DRAWING FIGURES ... **preamble + drawing amendment text**
- AS A RESULT ... **preamble +**  
**confirmation of patentability of claim(s)**  
**identification of previously canceled claim(s)**  
**identification of previously disclaimed claim(s)**  
**identification of currently disclaimed claim(s)**  
**identification of currently canceled claim(s)**  
**identification of claim(s) patentable as amended + text of amended claim(s)**  
**identification of patentable claim(s) dependent upon amended claim(s)**  
**identification of patentable claim(s) being added + text of added claim(s)**  
**identification of claim(s) not reexamined**  
**identification of "other" claim(s) and "other" status(es)**

*What follows includes the data source for each element and the printing instructions for each element:*

## ■ **EX PARTE REEXAMINATION CERTIFICATE ... heading**

The following wording is non-variable:

**EX PARTE  
REEXAMINATION CERTIFICATE  
ISSUED UNDER 35 U.S.C. 307**

### **Composition**

- 12-point
- Times New Roman Bold
- uppercase
- centered in column 1

## ■ **NO AMENDMENTS ... statement**

The following wording is non-variable:

NO AMENDMENTS HAVE BEEN MADE TO  
THE PATENT.

### **Composition**

- 9-point
- Times New Roman
- uppercase
- centered in column

## ■ **AS A RESULT ... preamble**

The following wording is non-variable:

AS A RESULT OF REEXAMINATION, IT HAS  
BEEN DETERMINED THAT:

### **Composition**

- 9-point
- Times New Roman
- uppercase
- centered in column

## ■ **confirmation of patentability of claim(s)**

If there are no amendments to the original patent, a patentability-confirmation statement is required. For example:

The patentability of claims **1–8** is confirmed.

The **Data Source** is Item 7 of the EXAMINER CHECKLIST - REEXAMINATION.

### **Composition**

- 9-point
- Times New Roman for alphabetic characters; Times New Roman Bold for claim numbers
- uppercase and lowercase
- paragraph, indented 1 em space

## ■ **identification of previously canceled claim(s)**

This is a statement which describes any cancellation of claims in a prior proceeding. For example:

Claims **9** and **10** were previously canceled.

The **Data Source** is Item 8 of the EXAMINER CHECKLIST - REEXAMINATION.

### **Composition**

- 9-point
- Times New Roman for alphabetic characters; Times New Roman Bold for claim numbers
- uppercase and lowercase
- paragraph, indented 1 em space

## ■ **identification of previously disclaimed claim(s)**

This is a statement that is printed if any claim(s) were disclaimed at a point prior to the reexamination proceeding. For example:

Claim **11** was previously disclaimed.

The **Data Source** is Item 9 of the EXAMINER CHECKLIST - REEXAMINATION.

### **Composition**

- 9-point
- Times New Roman for alphabetic characters; Times New Roman Bold for claim numbers
- uppercase and lowercase
- paragraph, indented 1 em space

## ■ **identification of claim(s) not reexamined**

This is a statement that is printed when one or more claims were not reexamined during the reexamination proceeding. For example:

Claim **12** was not reexamined.

The **Data Source** is Item 15 of the EXAMINER CHECKLIST - REEXAMINATION.

### **Composition**

- 9-point
- Times New Roman for alphabetic characters; Times New Roman Bold for claim numbers
- uppercase and lowercase
- paragraph, indented 1 em space

## ■ **identification of "other" claim(s) with "other" status(es)**

The **Data Source** is Item 16 of the EXAMINER CHECKLIST - REEXAMINATION.

### **Composition**

- 9-point
- Times New Roman for alphabetic characters; Times New Roman Bold for claim numbers
- uppercase and lowercase
- paragraph, indented 1 em space

## ■ **THE PATENT IS HEREBY AMENDED ... statement**

This is non-variable wording is to be printed whenever the original patent has been amended via the reexamination proceeding.

THE PATENT IS HEREBY AMENDED AS  
INDICATED BELOW.

### **Composition**

- 9-point
- Times New Roman
- uppercase
- centered in column

## ■ **identification of currently disclaimed claim(s)**

This is printed when claim(s) are being disclaimed in the current reexamination proceeding. For example:

Claim **15** is disclaimed.

The **Data Source** is Item 10 of the EXAMINER CHECKLIST - REEXAMINATION.

### **Composition**

- 9-point
- Times New Roman for alphabetic characters; Times New Roman Bold for claim numbers
- uppercase and lowercase
- paragraph, indented 1 em space

## ■ **identification of currently canceled claim(s)**

This is a statement which describes any cancellation of claim(s) in the current reexamination proceeding. For example:

Claims **15** and **16** are canceled.

The **Data Source** is Item 11 of the EXAMINER CHECKLIST - REEXAMINATION.

### **Composition**

- 9-point
- Times New Roman for alphabetic characters; Times New Roman Bold for claim numbers
- uppercase and lowercase
- paragraph, indented 1 em space

## ■ **THE DRAWING FIGURES ... preamble**

This non-variable wording is printed whenever the drawing figures have been amended via the reexamination proceeding:

THE DRAWING FIGURES HAVE BEEN  
CHANGED AS FOLLOWS:

### **Composition**

- 9-point
- Times New Roman
- uppercase
- centered in column

## ■ drawing amendment text

This is text that follows THE DRAWING FIGURES ... preamble. For example:

1. In FIG. 1 the numeral **11** (second occurrence) has been deleted and the numeral **21** has been added.
2. In FIG. 4 the dowel **34** has been modified.
3. In FIG. 8 the numeral **27** has been added.

The **Data Source** for the drawing amendment text is as follows:

- See Item D-2 of the REEXAMINATION CLERK CHECKLIST, which will indicate (via YES/NO boxes) whether there were changes to drawings. If the YES box is checked, the number of the paper containing the changed drawing will be indicated, as well as the Figure number of the drawing.
- Item 2 of the EXAMINER CHECKLIST - REEXAMINATION will indicate the same information, but in addition—if the YES box is checked—Item 2c will supply the text that is to be printed. See the information under the heading **Amended/New Drawing(s)**.

### **Composition:**

- 9-point
- Times New Roman for alphabetic characters and paragraph numbers; Times New Roman Bold for figure numbers and figure reference numerals
- uppercase and lowercase
- each paragraph indented 1 em space

## ■ Matter enclosed ... statement

This is non-variable wording that is to be printed whenever the original patent has been amended via the reexamination proceeding:

Matter enclosed in heavy brackets **||** appeared in the patent, but has been deleted and is no longer a part of the patent; matter printed in italics indicates additions made to the patent.

### **Composition**

- 9-point
- Times New Roman Bold
- uppercase and lowercase
- paragraph, indented 1 em space

## ■ ONLY THOSE PARAGRAPHS ... statement

This is non-variable wording that is to be printed whenever the original patent's specification (as opposed to drawings or claims) has been amended via the reexamination proceeding:

ONLY THOSE PARAGRAPHS OF THE  
SPECIFICATION AFFECTED BY AMENDMENT  
ARE PRINTED HEREIN.

### Composition

- 9-point
- Times New Roman
- uppercase
- centered in column

## ■ text of amended paragraph(s)

This text would follow the ONLY THOSE PARAGRAPHS ... statement. The column number and line numbers of each amended paragraph are identified, followed (beginning on a new line) by the text of the paragraph showing both the deleted (bracketed) matter and the new (italicized) matter. For example:

Column 4, lines 43–44:  
The **l**ambient temperature in cooling unit 50 is  
maintained at *a maximum of 5° C.*

See Item D-1 of the REEXAMINATION CLERK CHECKLIST and Item 1 of the EXAMINER CHECKLIST - REEXAMINATION, which items will indicate the paper number of each paper that presents amendments to the specification. Any paper so indicated will be the **Data Source** for the printing of the amended paragraph.

### Composition

- 9-point
- Times New Roman Bold for figure numbers and figure reference numbers and for heavy brackets; Times New Roman italics for new data; Times New Roman for all other characters
- uppercase and lowercase
- each column/line designation indented 1 em space and terminated by colon
- each paragraph indented 1 em space
- text to be printed in accordance with **Matter enclosed ...** statement so that deleted matter is enclosed in boldface brackets and new matter is italicized.

NOTE: On a second or succeeding [C2, C3, etc.] certificate, only the current changes are indicated. For example, the amendments made on the C1 certificate would be incorporated into the C2 certificate but would not be typographically indicated—that is, the C1's italicized data is printed on the C2 in Times New Roman, and the C1's bracketed data is silently omitted from the C2.

## ■ identification of claim(s) patentable as amended

This is printed when claim(s) that have been amended during the reexamination proceeding are determined to be patentable in that amended form. For example:

Claim 9 is determined to be patentable as amended.

The **Data Source** is Item 12 of the EXAMINER CHECKLIST - REEXAMINATION.

### Composition

- 9-point
- Times New Roman for alphabetic characters; Times New Roman Bold for claim numbers
- uppercase and lowercase
- paragraph, indented 1 em space

## ■ text of amended claim(s)

The amended claims are printed to show the deleted (bracketed) matter and the new (italicized) matter. For example:

9. A monolithic photovoltaic cell comprising: a patterned dielectric isolation layer *having first and second opposed sides*; an upper cell integrally bonded to said first side of said isolation layer; at least two **lower** cells integrally bonded to said second side of said isolation layer; and a metallized coating selectively attached to said upper and lower cells.

See Item D-7 of the REEXAMINATION CLERK CHECKLIST and Item 12 of the EXAMINER CHECKLIST - REEXAMINATION. Item D-7 will indicate the paper number of each paper that presents amended claim(s). Any paper so indicated will be the **Data Source** for the printing of the amended claim(s).

### Composition

- 9-point
- Times New Roman Bold for claim numbers and for heavy brackets; Times New Roman italics for new data; Times New Roman for all other characters
- uppercase and lowercase
- each claim printed as a single-sentence paragraph, with subparagraphs if needed ("hanging" subparagraphs, with second and succeeding lines indented)
- claim to be printed in accordance with **Matter enclosed ...** statement so that deleted matter is enclosed in boldface brackets and new matter is italicized.

NOTE: On a second or succeeding [C2, C3, etc.] certificate, only the current changes are indicated. For example, the amendments made on the C1 certificate would be incorporated into the C2 certificate but would not be typographically indicated—that is, the C1's italicized data is printed on the C2 in Times New Roman, and the C1's bracketed data is silently omitted from the C2.

## ■ **identification of patentable claim(s) dependent upon amended claim(s)**

This indicates each claim which—although not itself amended during the reexamination proceeding—is dependent upon a claim that was amended. Since the amended claim is patentable, the claim dependent upon it is patentable as well. For example:

Claim 6, dependent on an amended claim, is determined to be patentable.

The **Data Source** is Item 13 of the EXAMINER CHECKLIST - REEXAMINATION.

### **Composition**

- 9-point
- Times New Roman for alphabetic characters; Times New Roman Bold for claim numbers
- uppercase and lowercase
- paragraph, indented 1 em space

## ■ **identification of patentable claim(s) being added**

This indicates each added claim (all new data) that is patentable. For example:

New claim 8 is added and determined to be patentable.

The **Data Source** is Item 14 of the EXAMINER CHECKLIST - REEXAMINATION.

### **Composition**

- 9-point
- Times New Roman for alphabetic characters; Times New Roman Bold for claim numbers
- uppercase and lowercase
- paragraph, indented 1 em space

## ■ text of added claim(s)

The added claims are printed in italics, since all the matter is new. For example:

*6. A process for producing a rod glass article, which comprises pressing starting glass at a temperature below its glass transition temperature to form a rod glass article having a refractive index.*

See Item D-8 of the REEXAMINATION CLERK CHECKLIST and Item 14 of the EXAMINER CHECKLIST - REEXAMINATION. Item D-8 will indicate the paper number of each paper that presents added claim(s). Any paper so indicated will be the **Data Source** for the printing of the added claim(s).

### Composition

- 9-point
- Times New Roman italics
- uppercase and lowercase
- each claim printed as a single-sentence paragraph, with subparagraphs if needed ("hanging" subparagraphs, with second and succeeding lines indented)
- claim to be printed in accordance with **Matter enclosed ...** statement so that the entire claim is italicized

*The data base contractor will return the reexamination file via a "printer waiting" **QUERY** if:*

- *The reexamination does not involve any changes to the claims, but Item 7 of the EXAMINER CHECKLIST - REEXAMINATION is blank.*
- *The reexamination does involve changes to the claims, but a given claim number appears in more than one of the Items 7 through 16.*

**Section X.    *INTER PARTES* REEXAMINATION  
CERTIFICATE**

Whereas an *ex parte* reexamination file consists of a single orange “USPTO” file wrapper, an *inter partes* reexamination file consists of three orange file wrappers:

- The third party requester (“3PR”) file wrapper, on the face of which is a label saying **THIRD PARTY REQUESTER FILE**.
- The patent owner (“PO”) file wrapper, on the face of which is a label saying **PATENT OWNER FILE**.
- The “USPTO” file wrapper, on the side of which is a label saying **USPTO**:
  - (a) The PALM bar code label will be affixed to the USPTO file wrapper.
  - (b) A contents paper will be attached to the CONTENTS flap of the USPTO file wrapper. This contents paper will list each numbered paper (**ITEM DESCRIPTION**) in the reexamination proceeding, and a check mark in one of the three **PARTY** columns (**USPTO** or **PO** or **3PR**) will indicate the folder that contains the paper. However, at the time the *inter partes* file is forwarded for publication processing, patent owner responses containing amendments will be moved to the USPTO file. See (d) below.
  - (c) When this bulletin’s instructions refer to the “reexamination file wrapper,” the USPTO file wrapper is meant.
  - (d) The USPTO file wrapper will contain all of the data sources necessary for publication processing: e.g., the EXAMINER CHECKLIST – REEXAMINATION, the REEXAMINATION CLERK CHECKLIST, papers containing the text of amended paragraphs or amended claims, amended drawings, the PALM bibliographic data sheet, the Title Report, Form PTO-892, IDS listings.

The USPTO file wrapper will be the top file wrapper when the three file wrappers are bundled together. The three file wrappers must be kept together.

## **References**

- |               |  |
|---------------|--|
| 35 U.S.C. 311 | Request for <i>inter partes</i> reexamination.                         |
| 35 U.S.C. 312 | Determination of issue by Commissioner.                                |
| 35 U.S.C. 313 | <i>Inter partes</i> reexamination order by Commissioner.               |
| 35 U.S.C. 316 | Certificate of patentability, unpatentability, and claim cancellation. |
| 37 CFR 1.915  | Content of request for <i>inter partes</i> reexamination.              |

|              |   |
|--------------|---|
| 37 CFR 1.935 | <b>Initial Office action usually accompanies order for <i>inter partes</i> reexamination.</b> |
| 37 CFR 1.941 | <b>Amendments by patent owner in <i>inter partes</i> reexamination.</b>                       |
| 37 CFR 1.989 | <b>Merger of concurrent reexamination proceedings.</b>  |
| 37 CFR 1.997 | <b>Issuance of <i>inter partes</i> reexamination certificate.</b>                             |

## **Key Features**

### **□ Front Page**

- At the top of the masthead, the words **INTER PARTES REEXAMINATION CERTIFICATE** are followed by an ordinal number in parentheses, such as (125th).

NOTE: The “inter partes” reexamination certificates will be numbered in a separate and new ordinal sequence, beginning with (1st). The “ex parte” reexamination certificates will continue the ordinal numbering sequence that has already been established for reexamination certificates.

- In the masthead, INID code (10) is followed by the word **Number:** (including the colon), the **US** code, the original patent number (or reissue number), plus a two-character “kind code” suffix. The “kind code” suffix is **C1** for a first reexamination certificate, **C2** for a second reexamination certificate for the same patent, etc.
- In the masthead at INID code (45), the words **Certificate Issued:** (including the colon) precede the certificate's date of issuance.
- In the left column, the side heading **Reexamination Request:** is followed on the next line by the reexamination request number and its date. The reexamination request number consists of the prefix 95, followed by a diagonal and a sequential number.
- In the left column, the side heading **Reexamination Certificate for:** is followed on the next four lines by information—patent number, issue date, application number, filing date—identifying the patent that has been reexamined.
- A single terminal disclaimer notice will be printed in the left column of the reexamination certificate when a terminal disclaimer notice was printed on the original patent and/or when a terminal disclaimer was filed during the reexamination proceedings.
- If one or more claims was disclaimed prior to or during the reexamination proceedings, certain relevant information is printed in the left column, specifically,

the number(s) of the claim(s), the filing date of the disclaimer, and the citation of the *Official Gazette* in which the notice of the disclaimer was published.

- If a Certificate of Correction issued for the original patent, this fact is indicated in the left column, including the issue date of the Certificate of Correction.
- At INID (56) **References Cited**, only those references are printed which are part of the reexamination file—that is, citations that are located in the file on Forms PTO-892 and/or information disclosure statements (IDS papers).
- If a court decision is relevant to the reexamination, a court decision statement (including the citation of the decision) is printed as the last paragraph of the abstract.

## □ Drawings

If any drawing(s) from the patent were changed as a result of the reexamination proceeding, drawing sheet(s) showing the changed drawing(s) are printed as part of the reexamination certificate.

## □ Specification

The reexamination certificate does not reprint the specification of the original patent. Instead, the certificate's specification consists of expressions of the results of the reexamination. The certificate's specification prints only those portions of the specification or claims that were changed as a result of the reexamination.

- The following wording appears at the beginning of each certificate's specification:

**INTER PARTES  
REEXAMINATION CERTIFICATE  
ISSUED UNDER 35 U.S.C. 316**

- If the reexamination proceeding has resulted in no amendments to the original patent's specification, the information shown below is printed:

NO AMENDMENTS HAVE BEEN MADE TO  
THE PATENT.

AS A RESULT OF REEXAMINATION, IT HAS  
BEEN DETERMINED THAT:

Followed by a statement confirming the patentability of the claims, plus any information about any previous (that is, in a prior proceeding) cancellation of claims and/or information about any previous disclaiming of claims.

- If the reexamination proceeding has resulted in amendments to the original patent's specification, drawings, and/or claims, those changes are indicated as

shown below. If any of the information shown below is not relevant to the certificate, that information is omitted.

THE PATENT IS HEREBY AMENDED AS  
INDICATED BELOW.

**Matter enclosed in heavy brackets [] appeared in the patent, but has been deleted and is no longer a part of the patent; matter printed in italics indicates additions made to the patent.**

ONLY THOSE PARAGRAPHS OF THE  
SPECIFICATION AFFECTED BY AMENDMENT  
ARE PRINTED HEREIN.

Followed by the column number and line numbers of each amended paragraph, followed by the text of the paragraph showing both the deleted (bracketed) matter and the new (italicized) matter.

THE DRAWING FIGURES HAVE BEEN  
CHANGED AS FOLLOWS:

Followed by text describing each change.

AS A RESULT OF REEXAMINATION, IT HAS  
BEEN DETERMINED THAT:

Followed by text describing how each claim has or has not been affected by reexamination, and the text of new and amended claims—with changes indicated via bracketing (deleted matter) and italicization (new matter).

## **Masthead**

### **■ Reexamination Number Bar Code**

See ***DATA ENTRY FOR UTILITY PATENTS, Patent Number Bar Code.***

**Composition.** Positions 6+12 will be the patent number (utility, design, plant, reissue):

start US006555999C1 stop

start US00D453999C1 stop

start US00PP12999C1 stop

start US00RE37999C1 stop

## ■ Certificate Heading & Sequential Number

The certificate heading consists of the words **INTER PARTES REEXAMINATION CERTIFICATE**, which is followed by the sequential number (an ordinal number in parentheses).

The ordinal number—for example, (1st), (2nd), (3rd)—locates the certificate in the sequence of *inter partes* reexamination certificates.

NOTE: The *inter partes* reexamination certificates will be numbered in a separate and new ordinal sequence, beginning with (1st). The *ex parte* reexamination certificates will continue the ordinal numbering sequence that has already been established for reexamination certificates.

### Definitions

**certificate number** the reexamined patent's number, to which a “kind code” suffix such as C1, C2, etc., has been added

**reexamination number** the control number (analogous to an application number) given to the *inter partes* reexamination request; consists of series code 95 + six digits

**sequential number** the parenthetical ordinal number which indicates the location of the published certificate in the chronological order of publication of reexamination certificates (including *inter partes* reexamination certificates)

### Composition.

- INID code (12) is printed as follows:
  - 9-point
  - Times New Roman
- **INTER PARTES REEXAMINATION CERTIFICATE** is printed as follows:
  - 16-point
  - Times New Roman Bold
  - uppercase
  - centered on same line as, and preceding, the ordinal number
- The sequential number in parentheses is printed as follows:

- 14-point
- Times New Roman
- numerals and lowercase
- centered on same line as, and following, **INTER PARTES  
REEXAMINATION CERTIFICATE**

## ■ Office Identification & “Plain Language” Kind Designation

### Composition

- **United States Patent** is printed as follows:
  - 18-point
  - Times New Roman Bold
  - uppercase and lowercase
  - flush left on the same line as the INID (10) Number data
  - no INID code

## ■ Code US, Certificate Number, Kind Code

The certificate number is printed on the right side of the masthead, on the same line as **United States Patent**. The certificate number consists of the INID code (10), the word **Number:** (including the colon), the original patent number, and the “kind code” suffix, **C1** for the reexamination certificate that issues as the result of the (first) reexamination proceeding, **C2** for the reexamination certificate that issues if there has been a second reexamination proceeding, etc. For example:

(10) **Number: US 7,654,321 C1**

(10) **Number : US D654,321 C1**

(10) **Number: US PP54,321 C1**

(10) **Number : US RE54,321 C1**

### Data Source

The data source for the certificate number is the **CERTIFICATE NUMBER** block on the face of the reexamination file wrapper.

### Composition

- INID code (10) is printed as follows:
  - 9-point

- Times New Roman
- The word **Number:** (including the colon) is printed as follows :
  - 12-point
  - Times New Roman Bold
- The certificate number (US prefix plus patent number plus “kind code” suffix) is printed as follows:
  - 14-point
  - Times New Roman Bold
  - commas to be printed as shown in examples above

## ■ Inventor Surname

See **DATA ENTRY FOR UTILITY PATENTS, *Inventor Surname***.

**Data Source** for the inventor surname on the reexamination certificate is as follows:

- If there is inventor data in Item E2 of the REEXAMINATION CLERK CHECKLIST and/or in Item 22 of the EXAMINER CHECKLIST - REEXAMINATION, the item(s) will be the source for the capture of the inventor surname.
- In the absence of inventor data on the checklists, the inventor surname will be the same inventor surname data that appears on the paper copy of the original patent.

## ■ Certificate Date

The certificate date is printed on the right side of the masthead, directly below the certificate number. The INID code for the certificate date is (45). The INID code is followed by the words **Certificate Issued:** (including the colon). For example:

(45) **Certificate Issued: Dec. 18, 2001**

The **Data Source** for the certificate date is the CERTIFICATE DATE block on the face of the reexamination file wrapper.

### **Composition**

- INID code (45) is printed as follows:
  - 9-point
  - Times New Roman

- The words **Certificate Issued:** (including the colon) are printed as follows:
  - 12-point
  - Times New Roman Bold
  - uppercase and lowercase
- The certificate date itself is printed as follows:
  - 12-point
  - Times New Roman Bold
  - uppercase and lowercase
  - flush right on same line as surname of inventor
  - month abbreviated as follows:
 

|      |      |      |      |      |      |
|------|------|------|------|------|------|
| Jan. | Feb. | Mar. | Apr. | May  | Jun. |
| Jul. | Aug. | Sep. | Oct. | Nov. | Dec. |

When a terminal disclaimer notice is being printed, a term notice indicator (an asterisk) will be printed to the left of the certificate date, as follows:

(45) **Certificate Issued:**    \* **Dec. 18, 2001**

## **Columns**

### **■ Title**

See **DATA ENTRY FOR UTILITY PATENTS**, *Title*.

The **Data Source** for the reexamination certificate's title is as follows:

- If there is title data in Item E1 of the REEXAMINATION CLERK CHECKLIST and/or in Item 21 of the EXAMINER CHECKLIST - REEXAMINATION, the checklist item(s) will be the source for the capture of the title.
- If there is no title data on the checklists, the source for the capture of the title will be the title that appears on the paper copy of the original patent, or on the PALM bibliographic data sheet located inside the reexamination file wrapper.

### **■ Latin Name & Varietal Denomination [reexamination of plant patent]**

See **Latin Name & Varietal Denomination** in **Section II. PLANT PATENT**.

If the original plant patent's front page showed Latin Name and Varietal Denomination as INID (50) data, the INID (50) data will be printed on the front page of the reexamination certificate.

## ■ Inventor Data

See **DATA ENTRY FOR UTILITY PATENTS, Inventor Data.**

The **Data Source** for the reexamination certificate's inventor data is as follows:

- If there is inventor data in Item E2 of the REEXAMINATION CLERK CHECKLIST and/or in Item 22 of the EXAMINER CHECKLIST - REEXAMINATION, the checklist item(s) will be the source for the capture of the inventor data.
- If there is no inventor data on the checklists, the inventor data to be printed on the reexamination certificate is the same inventor data that appears on the paper copy of the original patent.

## ■ Assignee Data

See **DATA ENTRY FOR UTILITY PATENTS, Assignee Data.**

The **Data Source** for the reexamination certificate's assignee data is as follows:

- The information in the APPLICANTS block on the PALM bibliographic data sheet located inside the reexamination file wrapper should be checked against the assignee information that appears on the Title Report. If these two sources provide the same assignee information, either may serve as the data source for the assignee data.
- If the APPLICANTS block and the Title Report do not provide the same assignee information, the data source will be the Title Report.

## ■ Reexamination Request Data

This consists of the side-heading **Reexamination Request:**, followed on the next line by the reexamination request number and date.

The reexamination request number is control number (analogous to an application number) given to the reexamination request. The *inter partes* reexamination request number consists of the series code 95 plus a six-digit sequential number.

The following is an example of reexamination request data:

**Reexamination Request:**  
No. 95/000,999, Dec. 14, 2000

The **Data Source** for the reexamination request data is the CONTROL NUMBER block on the face of the reexamination file wrapper.

### **Composition**

- **Reexamination Request:** (including the colon) is printed as follows:
  - 9-point
  - Times New Roman Bold
  - uppercase and lowercase
  - flush left
- The abbreviation No., the reexamination request number, and the date are printed as follows:
  - 9-point
  - Times New Roman
  - uppercase and lowercase
  - on next line after **Reexamination Request:** and aligned with Inventor:  
side-heading
  - month abbreviated as follows:

|      |      |      |      |      |      |
|------|------|------|------|------|------|
| Jan. | Feb. | Mar. | Apr. | May  | Jun. |
| Jul. | Aug. | Sep. | Oct. | Nov. | Dec. |

NOTE: If there are multiple reexamination request numbers and dates, they are to be printed in ascending order by earliest date / earliest number.

### ■ **Reexamination Certificate Data**

This consists of the side-heading **Reexamination Certificate for:**, followed on the next line by the side-heading Patent No: and the patent number, followed on the next line by the side-heading Issued: and the patent issue date, followed on the next line by the side-heading Appl. No.: and the patent application number, followed on the next line by the side-heading Filed: and the patent application filing date.

For example:

|                                       |                      |
|---------------------------------------|----------------------|
| <b>Reexamination Certificate for:</b> |                      |
| Patent No.:                           | <b>4,931,457</b>     |
| Issued:                               | <b>Jun. 5, 1990</b>  |
| Appl. No.:                            | <b>07/372,508</b>    |
| Filed:                                | <b>Jun. 28, 1989</b> |

The **Data Source** for the reexamination certificate data is as follows:

- The source for the patent number , the application number, and the filing date is the CONTINUING DATA block on the PALM bibliographic data sheet located inside the reexamination file wrapper.
- The source for the patent issue date is either the front page of the issued patent [the date appearing at INID code (45)] or the Title Report, as long as those two sources agree. If the two sources do not agree, the source to be followed is the front page of the issued patent.

### **Composition**

- **Reexamination Certificate for:** is printed as follows:
  - 9-point
  - Times New Roman Bold
  - uppercase and lowercase
  - flush left
- The side-headings Patent No.:, Issued:, Appl. No.:, and Filed: (including the colons) are printed as follows:
  - 9-point
  - Times New Roman
  - uppercase and lowercase
  - beginning on next line after **Reexamination Certificate for:** , in the order shown above, each side-heading on its own line, and all aligned with Inventor: side-heading
- The patent number, issue date, application number, and filing date are printed as follows:
  - 9-point
  - Times New Roman Bold
  - uppercase and lowercase
  - each spaced apart from appropriate side-heading, all in vertical alignment
  - month in dates abbreviated as follows:
 

|      |      |      |      |      |      |
|------|------|------|------|------|------|
| Jan. | Feb. | Mar. | Apr. | May  | Jun. |
| Jul. | Aug. | Sep. | Oct. | Nov. | Dec. |

### **■ Terminal Disclaimer (TD) Notice**

**If a terminal disclaimer notice was printed on the original patent and/or if a terminal disclaimer was filed during the reexamination proceedings**, a single terminal disclaimer notice with the following wording will be printed on the reexamination certificate's front page:

(\*) Notice: This patent is subject to a terminal disclaimer.

**Step (1)** – The publication database contractor will look to see if a terminal disclaimer notice was printed on the front page of the original patent.

- If the original patent's front page does show a terminal disclaimer notice, a terminal disclaimer notice with the wording shown above will be printed on the front page of the reexamination certificate. In this situation, there is no need for the publication database contractor to go to Step (2).
- If the original patent does not show a terminal disclaimer notice, the publication database contractor will go to Step (2).

**Step (2)** – The publication database contractor will go to Item 3 of the EXAMINER CHECKLIST – REEXAMINATION to see if a terminal disclaimer was filed during the reexamination proceedings.

|   |
|---|
| <input type="checkbox"/> <input type="checkbox"/> <b>3.</b> Was a terminal disclaimer or dedication filed DURING reexamination? |
|---|

- If the YES box has been marked, a terminal disclaimer notice with the wording shown above will be printed on the front page of the reexamination certificate.
- If the NO box has been marked, no terminal disclaimer notice will be printed on the front page of the reexamination certificate.
- If neither box has been marked, the publication database contractor will initiate a “printer waiting” *QUERY*.

**alternative source** – Since Item D3 of the REEXAMINATION CLERK CHECKLIST requires that the reexamination clerk look at Item 3 of the EXAMINER CHECKLIST - REEXAMINATION to see if a terminal disclaimer was filed during reexamination, the publication database contractor may rely upon the marking of the YES box at Item D3 of the REEXAMINATION CLERK CHECKLIST as the indication that a terminal disclaimer must be printed on the front page of the reexamination certificate.

### **Composition.**

- No INID code is printed with the terminal disclaimer notice.
- The bracketed asterisk, the Notice: side-heading (including the colon), and the notice are printed as follows:
  - 9-point
  - Times New Roman
  - uppercase and lowercase

## ■ Claim(s) Disclaimer Data

If claim(s) were disclaimed either prior to or during the reexamination proceedings the reexamination certificate's front page identifies such claim(s) by claim number, shows the filing date of the disclaimer, and cites the *Official Gazette* in which the disclaimer appeared.

For example:

Disclaimer of Claims 1 and 3  
Filed: Nov. 16, 1993 (1156 O.G. 3)

### Data Source

- For the number(s) of the claim(s), the source is Item 9 and/or Item 10 of the EXAMINER CHECKLIST - REEXAMINATION.
- For the disclaimer filing date and the *Official Gazette* citation, the source is Item D6 of the REEXAMINATION CLERK CHECKLIST.

### Composition

- The claim(s) disclaimer data is printed as follows:
  - 9-point
  - Times New Roman
  - uppercase and lowercase
  - data beginning with the words Disclaimer of flush left on one line;  
data beginning Filed: flush left on next line
  - month abbreviated as follows:

|      |      |      |      |      |      |
|------|------|------|------|------|------|
| Jan. | Feb. | Mar. | Apr. | May  | Jun. |
| Jul. | Aug. | Sep. | Oct. | Nov. | Dec. |

## ■ Certificate of Correction Data

If a Certificate of Correction was issued to correct the original patent, the date of the Certificate of Correction is printed on the front page of the reexamination certificate.

For example:

Certificate of Correction issued Dec. 14, 1994

The Data Source is Item 4 of the EXAMINER CHECKLIST-REEXAMINATION.

## **Composition**

- The certificate of correction data (the words Certificate of Correction issued, followed by a date) will be printed as follows:
  - 9-point
  - Times New Roman
  - uppercase and lowercase
  - month abbreviated as follows:

|      |      |      |      |      |      |
|------|------|------|------|------|------|
| Jan. | Feb. | Mar. | Apr. | May  | Jun. |
| Jul. | Aug. | Sep. | Oct. | Nov. | Dec. |

## **■ 35 U.S.C. 371 Data**

When the original patent issued from the U.S. national stage of an international (PCT) application, the relevant bibliographic information that was printed on the front page of the original patent—that is,

- international filing date [PCT Filed:]
- international application number [PCT No:],
- 35 U.S.C. 371 date [§ 371 Date:] & 35 U.S.C. 102(e) date [§ 102(e) Date:]  

**OR**

35 U.S.C. 371(c)(1), (2), (4) date [[§ 371(c)(1), (2), (4) Date:]
- the international publication number [PCT Pub. No:]
- international publication date [PCT Pub. Date:]

—is to be reprinted on the front page of the reexamination certificate.

The **Data Source** is the front page of the original patent. For **Composition** instructions see ***DATA ENTRY FOR UTILITY PATENTS, 35 U.S.C. 371 Data***.

## **■ Related U.S. Application Data**

### **Data Source**

- If data appeared under the **Related U.S. Application Data** on the front page of the original patent, that data is to be repeated on the front page of the reexamination certificate. The source is the paper copy of the original patent.
- However, the data base contractor should also look at Item 23 of the EXAMINER CHECKLIST - REEXAMINATION and at Item E4 of the REEXAMINATION CLERK CHECKLIST. If related U.S. application data appears in those locations, the checklist item(s) are to be used as the source.

For **Composition** instructions see ***DATA ENTRY FOR UTILITY PATENTS, Related U.S. Application Data***.

## ■ Foreign Application Priority Data

### Data Source

- The source is the FOREIGN/PCT APPLICATIONS section of the PALM bibliographic data sheet located inside the reexamination file wrapper.
- However, the data base contractor should check Item 24 of the EXAMINER CHECKLIST - REEXAMINATION to see if the examiner has indicated the paper number of a document on which there is foreign priority data. The indicated paper would take precedence as a data source.

For Composition instructions see **DATA ENTRY FOR UTILITY PATENTS, Foreign Application Priority Data**.

## ■ International Classification Data

The Data Source is the ISSUING CLASSIFICATION section of the reexamination file wrapper.

For Pre-Capture Verification and Composition instructions, see **DATA ENTRY FOR UTILITY PATENTS, International Classification Data**.

## ■ U.S. Classification Data

The Data Source is the ISSUING CLASSIFICATION section of the reexamination file wrapper .

For Pre-Capture Verification and Composition instructions, see **DATA ENTRY FOR UTILITY PATENTS, U.S. Classification Data**.

## ■ Field of Search

The Data Source is the REEXAM FIELD OF SEARCH section of the inside left flap of the reexamination file wrapper.

For Pre-Capture Verification and Composition instructions, see **DATA ENTRY FOR UTILITY PATENTS, Field of Search**.

## ■ References Cited

The Data Source will be the Forms PTO-892 or information disclosure statements (IDS papers) located in the inside center section of the reexamination file wrapper.

For **Pre-Capture Verification** and **Composition** instructions, see ***DATA ENTRY FOR UTILITY PATENTS, References Cited.***

## ■ Examiner Data

The **Data Source** is the REEXAMINED AND PASSED FOR CERTIFICATE section of the face of the reexamination file wrapper.

For **Composition** instructions see ***DATA ENTRY FOR UTILITY PATENTS, Examiner Data.***

## ■ Attorney/Agent/Firm Data

Item D5 of the REEXAMINATION CLERK CHECKLIST asks the clerk to indicate by paper number any "paper submitted indicating the names of registered attorneys or agents or a firm to be published on certificate." The paper so indicated will serve as the **Data Source** for the attorney/agent/firm data that is to be printed on the reexamination certificate. If such a paper is not indicated on the REEXAMINATION CLERK CHECKLIST, no attorney/agent/firm data is to be printed.

For **Composition** instructions see ***DATA ENTRY FOR UTILITY PATENTS, Attorney/Agent/Firm Data.***

## ■ Abstract

### **Data Source**

- The abstract on the paper copy of the original patent is the source for printing the abstract on the reexamination certificate.
- However, the data base contractor must also look at Item 25 of the EXAMINER CHECKLIST - REEXAMINATION. If Item 25 indicates by number a paper on which an abstract appears, that paper takes precedence as the data source over the paper copy of the original patent.

For **Composition** instructions see ***DATA ENTRY FOR UTILITY PATENTS, Abstract.***

## **Representative Drawing**

On most reexamination certificates, a representative drawing is to be printed on the front page.

### **Data Source**

- for identifying (by number) the representative figure(s) to be printed on the reexamination certificate's front page (and in the reexamination certificate's *Official Gazette* data) , the source is the **Print Fig.** or "O.G. Fig." information on the reexamination file wrapper.
- for capturing the representative figure(s), the source is the representative figure(s) on the front page of the original patent.

See **DATA ENTRY FOR UTILITY PATENTS, Representative Drawing.**

## **Amended/New Drawing(s)**

If the reexamination proceeding results in amendments to a drawing or results in the filing of a new drawing, such an amended drawing or new drawings is to be printed as part of the reexamination certificate. Such a drawing will be printed on a separate sheet between the reexamination certificate's front page and the reexamination certificate's specification sheet(s).

### **Data Source**

- See Item D2 of the REEXAMINATION CLERK CHECKLIST, which will indicate (via YES/NO boxes) whether there were changes to drawings. If the YES box is checked, the number of the paper containing the changed drawing will be indicated, as well as the Figure number of the drawing.
- Item 2 of the EXAMINER CHECKLIST - REEXAMINATION will indicate the same information, but in addition—if the YES box is checked—Item 2 will supply the text that is to be printed as part of the specification. This text will be supplied as sub-Item c [c. The drawing figure(s) have been change as follows:] and will be printed as described in the Specification section below. The publication database contractor will return the file via a "printer waiting" **QUERY** if:
  - *The YES box is checked in Item 2, yet sub-Item c does not provide the correct text.*
- The source for capturing the changed drawings is the clean copy of the changed drawing, which copy is located in the reexamination file wrapper. As of a revision effective on November 7, 2000, 37 CFR 1.530(d) [*Making amendments in a reexamination proceeding.*] says, in part, the following:
  - (3) *Drawings.* . . . Upon approval of the changes by the examiner, only new sheets of drawings including the changes and in compliance with § 1.84

must be filed. Amended figures must be identified as “Amended,” and any added figure must be identified as “New.” In the event a figure is cancelled, the figure must be surrounded by brackets and identified as “Canceled.”

For **Composition** instructions see ***DATA ENTRY FOR UTILITY PATENTS, Drawing(s)***.

The "Sheet \_\_\_ of \_\_\_" information printed on the reexamination certificate's drawing sheets will reflect the drawing sheets in that reexamination certificate, not the drawing sheets in the original patent. For example, if the original patent had five drawing sheets, each with one figure [FIG. 1 on Sheet 1 of 5, FIG. 2 on Sheet 2 of 5, ... FIG. 5 on Sheet 5 of 5], and if the reexamination certificate has amended FIG. 2 and amended FIG. 3, each on a separate sheet, then the reexamination certificate would print FIG. 2 on Sheet 1 of 2 and FIG. 3 on Sheet 2 of 2.

## **Specification**

*The reexamination certificate does not reprint the entire specification of the original patent. Instead, the certificate's specification presents the results of the reexamination proceeding. The certificate's specification prints only those portions of the original patent's specification or claims that were changed as a result of the reexamination proceeding.*

### **■ Required in column 1 of *inter partes* reexamination specification.**

- **INTER PARTES REEXAMINATION CERTIFICATE ... heading**

### **■ If original patent has not been amended.**

*If the reexamination proceeding has resulted in no amendments to the original patent, the following elements are required to be printed.*

- **NO AMENDMENTS ... statement**
- **AS A RESULT ... preamble**

*The above elements may be followed by any of these elements, depending upon what appears in the data source(s):*

- **confirmation of patentability of claim(s)**
- **identification of previously canceled claim(s)**
- **identification of previously disclaimed claim(s)**
- **identification of claims not reexamined**
- **identification of "other" claim(s) with "other" status(es)**

### **■ If original patent has been amended so that (1) all claims are now canceled and/or disclaimed, (2) no new claims are present, and (3) the specification has not been amended.**

*If this set of circumstances, the following element is required to be printed:*

- **THE PATENT IS HEREBY AMENDED ... statement**

*The above element may be followed by any of these elements, depending upon what appears in the data source(s):*

- **identification of previously canceled claim(s)**
- **identification of previously disclaimed claim(s)**
- **identification of currently disclaimed claim(s)**
- **identification of currently canceled claim(s)**
- **identification of claim(s) not reexamined**

- identification of "other" claim(s) with "other" status(es)
- THE DRAWING FIGURES ... preamble + drawing amendment text

■ **If original patent has been amended so that there are (1) changes to the specification and/or (2) changes to the claims and/or (3) new claims.**

*If this set of circumstances, the following elements are required to be printed:*

- THE PATENT IS HEREBY AMENDED ... **statement**
- Matter enclosed ... **statement**

*The above elements may be followed by any of these elements, depending upon what appears in the data sources:*

- ONLY THOSE PARAGRAPHS ... **statement + text of amended paragraph(s)**
- THE DRAWING FIGURES ... **preamble + drawing amendment text**
- AS A RESULT ... **preamble +**  
**confirmation of patentability of claim(s)**  
**identification of previously canceled claim(s)**  
**identification of previously disclaimed claim(s)**  
**identification of currently disclaimed claim(s)**  
**identification of currently canceled claim(s)**  
**identification of claim(s) patentable as amended + text of amended claim(s)**  
**identification of patentable claim(s) dependent upon amended claim(s)**  
**identification of patentable claim(s) being added + text of added claim(s)**  
**identification of claim(s) not reexamined**  
**identification of "other" claim(s) and "other" status(es)**

*What follows includes the data source for each element and the printing instructions for each element:*

## ■ **INTER PARTES REEXAMINATION CERTIFICATE ... heading**

The following wording is non-variable:

**INTER PARTES  
REEXAMINATION CERTIFICATE  
ISSUED UNDER 35 U.S.C. 316**

### **Composition**

- 12-point
- Times New Roman Bold
- uppercase
- centered in column 1

## ■ **NO AMENDMENTS ... statement**

The following wording is non-variable:

NO AMENDMENTS HAVE BEEN MADE TO  
THE PATENT.

### **Composition**

- 9-point
- Times New Roman
- uppercase
- centered in column

## ■ **AS A RESULT ... preamble**

The following wording is non-variable:

AS A RESULT OF REEXAMINATION, IT HAS  
BEEN DETERMINED THAT:

### **Composition**

- 9-point
- Times New Roman
- uppercase
- centered in column

## ■ **confirmation of patentability of claim(s)**

If there are no amendments to the original patent, a patentability-confirmation statement is required. For example:

The patentability of claims **1–8** is confirmed.

The **Data Source** is Item 7 of the EXAMINER CHECKLIST - REEXAMINATION.

### **Composition**

- 9-point
- Times New Roman for alphabetic characters; Times New Roman Bold for claim numbers
- uppercase and lowercase
- paragraph, indented 1 em space

## ■ **identification of previously canceled claim(s)**

This is a statement which describes any cancellation of claims in a prior proceeding. For example:

Claims **9** and **10** were previously canceled.

The **Data Source** is Item 8 of the EXAMINER CHECKLIST - REEXAMINATION.

### **Composition**

- 9-point
- Times New Roman for alphabetic characters; Times New Roman Bold for claim numbers
- uppercase and lowercase
- paragraph, indented 1 em space

## ■ **identification of previously disclaimed claim(s)**

This is a statement that is printed if any claim(s) were disclaimed at a point prior to the reexamination proceeding. For example:

Claim **11** was previously disclaimed.

The **Data Source** is Item 9 of the EXAMINER CHECKLIST - REEXAMINATION.

### **Composition**

- 9-point
- Times New Roman for alphabetic characters; Times New Roman Bold for claim numbers
- uppercase and lowercase
- paragraph, indented 1 em space

## ■ **identification of claim(s) not reexamined**

This is a statement that is printed when one or more claims were not reexamined during the reexamination proceeding. For example:

Claim **12** was not reexamined.

The **Data Source** is Item 15 of the EXAMINER CHECKLIST - REEXAMINATION.

### **Composition**

- 9-point
- Times New Roman for alphabetic characters; Times New Roman Bold for claim numbers
- uppercase and lowercase
- paragraph, indented 1 em space

## ■ **identification of "other" claim(s) with "other" status(es)**

The **Data Source** is Item 16 of the EXAMINER CHECKLIST - REEXAMINATION.

### **Composition**

- 9-point
- Times New Roman for alphabetic characters; Times New Roman Bold for claim numbers
- uppercase and lowercase
- paragraph, indented 1 em space

## ■ **THE PATENT IS HEREBY AMENDED ... statement**

This is non-variable wording is to be printed whenever the original patent has been amended via the reexamination proceeding.

THE PATENT IS HEREBY AMENDED AS  
INDICATED BELOW.

### **Composition**

- 9-point
- Times New Roman
- uppercase
- centered in column

## ■ **identification of currently disclaimed claim(s)**

This is printed when claim(s) are being disclaimed in the current reexamination proceeding. For example:

Claim **15** is disclaimed.

The **Data Source** is Item 10 of the EXAMINER CHECKLIST - REEXAMINATION.

### **Composition**

- 9-point
- Times New Roman for alphabetic characters; Times New Roman Bold for claim numbers
- uppercase and lowercase
- paragraph, indented 1 em space

## ■ **identification of currently canceled claim(s)**

This is a statement which describes any cancellation of claim(s) in the current reexamination proceeding. For example:

Claims**15** and **16** are canceled.

The **Data Source** is Item 11 of the EXAMINER CHECKLIST - REEXAMINATION.

### **Composition**

- 9-point
- Times New Roman for alphabetic characters; Times New Roman Bold for claim numbers
- uppercase and lowercase
- paragraph, indented 1 em space

## ■ **THE DRAWING FIGURES ... preamble**

This non-variable wording is printed whenever the drawing figures have been amended via the reexamination proceeding:

THE DRAWING FIGURES HAVE BEEN  
CHANGED AS FOLLOWS:

### **Composition**

- 9-point
- Times New Roman
- uppercase
- centered in column

## ■ drawing amendment text

This is text that follows THE DRAWING FIGURES ... preamble. For example:

1. In FIG. 1 the numeral **11** (second occurrence) has been deleted and the numeral **21** has been added.
2. In FIG. 4 the dowel **34** has been modified.
3. In FIG. 8 the numeral **27** has been added.

The **Data Source** for the drawing amendment text is as follows:

- See Item D-2 of the REEXAMINATION CLERK CHECKLIST, which will indicate (via YES/NO boxes) whether there were changes to drawings. If the YES box is checked, the number of the paper containing the changed drawing will be indicated, as well as the Figure number of the drawing.
- Item 2 of the EXAMINER CHECKLIST - REEXAMINATION will indicate the same information, but in addition—if the YES box is checked—Item 2c will supply the text that is to be printed. See the information under the heading **Amended/New Drawing(s)**.

### **Composition:**

- 9-point
- Times New Roman for alphabetic characters and paragraph numbers; Times New Roman Bold for figure numbers and figure reference numerals
- uppercase and lowercase
- each paragraph indented 1 em space

## ■ Matter enclosed ... statement

This is non-variable wording that is to be printed whenever the original patent has been amended via the reexamination proceeding:

Matter enclosed in heavy brackets **¶** appeared in the patent, but has been deleted and is no longer a part of the patent; matter printed in italics indicates additions made to the patent.

### **Composition**

- 9-point
- Times New Roman Bold
- uppercase and lowercase
- paragraph, indented 1 em space

## ■ ONLY THOSE PARAGRAPHS ... statement

This is non-variable wording that is to be printed whenever the original patent's specification (as opposed to drawings or claims) has been amended via the reexamination proceeding:

ONLY THOSE PARAGRAPHS OF THE  
SPECIFICATION AFFECTED BY AMENDMENT  
ARE PRINTED HEREIN.

### Composition

- 9-point
- Times New Roman
- uppercase
- centered in column

## ■ text of amended paragraph(s)

This text would follow the ONLY THOSE PARAGRAPHS ... statement. The column number and line numbers of each amended paragraph are identified, followed (beginning on a new line) by the text of the paragraph showing both the deleted (bracketed) matter and the new (italicized) matter. For example:

Column 4, lines 43–44:  
The **lambient** temperature in cooling unit 50 is  
maintained at *a maximum of 5° C.*

See Item D-1 of the REEXAMINATION CLERK CHECKLIST and Item 1 of the EXAMINER CHECKLIST - REEXAMINATION, which items will indicate the paper number of each paper that presents amendments to the specification. Any paper so indicated will be the **Data Source** for the printing of the amended paragraph.

### Composition

- 9-point
- Times New Roman Bold for figure numbers and figure reference numbers and for heavy brackets; Times New Roman italics for new data; Times New Roman for all other characters
- uppercase and lowercase
- each column/line designation indented 1 em space and terminated by colon
- each paragraph indented 1 em space
- text to be printed in accordance with **Matter enclosed ...** statement so that deleted matter is enclosed in boldface brackets and new matter is italicized.

NOTE: On a second or succeeding [C2, C3, etc.] certificate, only the current changes are indicated. For example, the amendments made on the C1 certificate would be incorporated into the C2 certificate but would not be typographically indicated—that is, the C1's italicized data is printed on the C2 in Times New Roman, and the C1's bracketed data is silently omitted from the C2.

## ■ identification of claim(s) patentable as amended

This is printed when claim(s) that have been amended during the reexamination proceeding are determined to be patentable in that amended form. For example:

Claim 9 is determined to be patentable as amended.

The **Data Source** is Item 12 of the EXAMINER CHECKLIST - REEXAMINATION.

### Composition

- 9-point
- Times New Roman for alphabetic characters; Times New Roman Bold for claim numbers
- uppercase and lowercase
- paragraph, indented 1 em space

## ■ text of amended claim(s)

The amended claims are printed to show the deleted (bracketed) matter and the new (italicized) matter. For example:

9. A monolithic photovoltaic cell comprising: a patterned dielectric isolation layer *having first and second opposed sides*; an upper cell integrally bonded to said first side of said isolation layer; at least two **lower** cells integrally bonded to said second side of said isolation layer; and a metallized coating selectively attached to said upper and lower cells.

See Item D-7 of the REEXAMINATION CLERK CHECKLIST and Item 12 of the EXAMINER CHECKLIST - REEXAMINATION. Item D-7 will indicate the paper number of each paper that presents amended claim(s). Any paper so indicated will be the **Data Source** for the printing of the amended claim(s).

### Composition

- 9-point
- Times New Roman Bold for claim numbers and for heavy brackets; Times New Roman italics for new data; Times New Roman for all other characters
- uppercase and lowercase
- each claim printed as a single-sentence paragraph, with subparagraphs if needed ("hanging" subparagraphs, with second and succeeding lines indented)
- claim to be printed in accordance with **Matter enclosed ...** statement so that deleted matter is enclosed in boldface brackets and new matter is italicized.

NOTE: On a second or succeeding [C2, C3, etc.] certificate, only the current changes are indicated. For example, the amendments made on the C1 certificate would be incorporated into the C2 certificate but would not be typographically indicated—that is, the C1's italicized data is printed on the C2 in Times New Roman, and the C1's bracketed data is silently omitted from the C2.

## ■ **identification of patentable claim(s) dependent upon amended claim(s)**

This indicates each claim which—although not itself amended during the reexamination proceeding—is dependent upon a claim that was amended. Since the amended claim is patentable, the claim dependent upon it is patentable as well. For example:

Claim 6, dependent on an amended claim, is determined to be patentable.

The **Data Source** is Item 13 of the EXAMINER CHECKLIST - REEXAMINATION.

### **Composition**

- 9-point
- Times New Roman for alphabetic characters; Times New Roman Bold for claim numbers
- uppercase and lowercase
- paragraph, indented 1 em space

## ■ **identification of patentable claim(s) being added**

This indicates each added claim (all new data) that is patentable. For example:

New claim 8 is added and determined to be patentable.

The **Data Source** is Item 14 of the EXAMINER CHECKLIST - REEXAMINATION.

### **Composition**

- 9-point
- Times New Roman for alphabetic characters; Times New Roman Bold for claim numbers
- uppercase and lowercase
- paragraph, indented 1 em space

## ■ text of added claim(s)

The added claims are printed in italics, since all the matter is new. For example:

*6. A process for producing a rod glass article, which comprises pressing starting glass at a temperature below its glass transition temperature to form a rod glass article having a refractive index.*

See Item D-8 of the REEXAMINATION CLERK CHECKLIST and Item 14 of the EXAMINER CHECKLIST - REEXAMINATION. Item D-8 will indicate the paper number of each paper that presents added claim(s). Any paper so indicated will be the **Data Source** for the printing of the added claim(s).

### **Composition**

- 9-point
- Times New Roman italics
- uppercase and lowercase
- each claim printed as a single-sentence paragraph, with subparagraphs if needed ("hanging" subparagraphs, with second and succeeding lines indented)
- claim to be printed in accordance with **Matter enclosed ...** statement so that the entire claim is italicized

*The data base contractor will return the reexamination file via a "printer waiting" **QUERY** if:*

- *The reexamination does not involve any changes to the claims, but Item 7 of the EXAMINER CHECKLIST - REEXAMINATION is blank.*
- *The reexamination does involve changes to the claims, but a given claim number appears in more than one of the Items 7 through 16.*

## **Section XI. REEXAMINATIONS IN ELECTRONIC *OFFICIAL GAZETTE***

The *ex parte* reexaminations and the *inter partes* reexaminations will be shown separately.

Clicking on Browse Granted Patents should lead to a screen that shows the following categories:

Reexaminations  
Statutory Invention Registrations  
Reissue Patents Granted  
Plant Patents Granted

*Utility Patents Granted*  
● General & Mechanical  
● Chemical  
● Electrical

Design Patents Granted

Clicking on Reexaminations leads to a screen that displays the following two options:

- Ex Parte Reexaminations
- Inter Partes Reexaminations

Each electronic *Official Gazette* will report the publication of *ex parte* reexamination certificates. However, it is possible that no *inter partes* reexaminations will issue on a given Tuesday. When that happens, clicking on Inter Partes Reexaminations will lead to a screen that shows the following message:

**There are no *inter partes* reexamination certificates in this issue.**

## **Section XII. MERGED REISSUE/REEXAMINATION**

■ **“REEXAMINATION RESULTS” Heading and Paragraph [when reissue application was merged with reexamination proceeding]**

When a reissue application and a reexamination proceeding are merged, the result is a reissue patent that also serves as a reexamination certificate. On the front page of such a reissue patent, the abstract is immediately followed by the heading **REEXAMINATION RESULTS** and a paragraph which states the reexamination request’s control number and filing date and indicates that the reissue patent is also serving as the reexamination certificate.

The **DATA SOURCE** for both the **REEXAMINATION RESULTS** heading and the ensuing paragraph will be the NOTICE OF MERGED REEXAM – REISSUE PROCEEDING, a numbered paper located inside the reissue file wrapper.

- ♦ In the bottom area of the face of the reissue file wrapper, there will be a mustard-yellow label with contents similar to one of the following examples:

**NOTICE OF MERGED REEXAM – REISSUE**

***ex parte* control number→**

Control No. 90/ 005,710

Reissue Paper No. 11

**OR**

**NOTICE OF MERGED REEXAM – REISSUE**

***inter partes* control number→**

Control No. 95/ 000,033

Reissue Paper No. 14

- ♦ The reissue paper identified by number on the mustard-yellow label is the NOTICE OF MERGED REEXAM – REISSUE PROCEEDING, the contents of which will resemble one of the following examples:

### **when reexamination proceeding was *ex parte*:**

#### NOTICE OF MERGED REEXAM – REISSUE PROCEEDING

This reissue application has been merged with the reexamination proceeding listed below:

|                  |   |              |                 |
|------------------|---|--------------|-----------------|
| Control No. 90 / | <u>005,710</u>                              | Filing Date: | <u>04/24/00</u> |
| Requester        | <u>David R. Crichton</u>                    |              |                 |
| (name,           |   |              |                 |
| address)         | <u>Ciba Specialty Chemicals Corporation</u> |              |                 |
|                  | <u>540 White Plains Road</u>                |              |                 |
|                  | <u>PO Box 2005</u>                          |              |                 |
|                  | <u>Tarrytown, NY 10591-5005</u>             |              |                 |
|                  |   |              |                 |

The front face of the reissue patent will include the following paragraph:

#### REEXAMINATION RESULTS

The questions raised in reexamination request No. 90/ 005,710, filed 04/24/00, have been considered and the results thereof are reflected in this reissue patent which constitutes the reexamination certificate required by 35 U.S.C. 307 as provided in 37 CFR 1.570(e).

**when reexamination proceeding was *inter partes*:**

NOTICE OF MERGED REEXAM – REISSUE PROCEEDING

This reissue application has been merged with the reexamination proceeding listed below:

Control No. 95 / 000,088 Filing Date: 05/13/02

Requester John J. Smith  
(name, address) Smith Electronics Corporation  
1233 Main Street  
PO Box 9999  
Bonnie Doone, NC 28303-1234

The front face of the reissue patent will include the following paragraph:

REEXAMINATION RESULTS

The questions raised in reexamination request No. 95/ 000,088, filed 05/13/02, have been considered and the results thereof are reflected in this reissue patent which constitutes the reexamination certificate required by 35 U.S.C. 316 as provided in 37 CFR 1.997.

- ♦ The publication database contractor will capture the **REEXAMINATION RESULTS** heading and the ensuing paragraph from the NOTICE OF MERGED REEXAM – REISSUE PROCEEDING paper.
- ♦ ***special instruction for the processing of merged reissue/reexamination files:*** Since the sole source for the “reexamination results” data is the above-described paper located within the reissue file wrapper, the reexamination file is not necessary for data capture. Therefore, the database contractor will not delay publication processing merely to wait for the reexamination file to be mated with the reissue file. If the reexamination file is elsewhere, the publication processing will go forward with the reissue file only.

The **Composition** instructions for the “reexamination results” data are presented below:

The **REEXAMINATION RESULTS** heading is printed as follows:

- 9-point
- Times New Roman Bold
- uppercase
- centered in the column

The ensuing paragraph is printed as follows:

- 9--point
- Times New Roman
- uppercase and lowercase
- block paragraph
- reexamination request number to be printed with punctuation as in the following examples:

90/004,321

95/003,333

- **reexamination request filing date to be printed with month abbreviated as shown below:**

|      |      |      |      |      |      |
|------|------|------|------|------|------|
| Jan. | Feb. | Mar. | Apr. | May  | Jun. |
| Jul. | Aug. | Sep. | Oct. | Nov. | Dec. |

- the nonvariable wording is as follows when the reexamination proceeding was *ex parte*:

The questions raised in reexamination request No. 90/\_\_\_\_\_, filed \_\_\_\_\_ have been considered and the results thereof are reflected in this reissue patent which constitutes the reexamination certificate required by 35 U.S.C. 307 as provided in 37 CFR 1.570(e).

- the nonvariable wording is as follows when the reexamination proceeding was *inter partes*:

The questions raised in reexamination request No. 95/\_\_\_\_\_, filed \_\_\_\_\_ have been considered and the results thereof are reflected in this reissue patent which constitutes the reexamination certificate required by 35 U.S.C. 316 as provided in 37 CFR 1.997.